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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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STATE DOCUMENTS

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POTENTIAL ISSUES FOR 2003

BUDGET CONCERNS

Another very difficult budget year is anticipated for 2003-2004, as the General Assembly once again faces the challenge of meeting the needs of the State with severely reduced revenue. State agencies are already operating with significantly reduced budgets. In September, the Board of Economic Advisors (BEA) revised its general fund revenue forecast from \$5.85 billion to \$5.519 billion, a cut of \$331 million. That same month, the Budget and Control Board voted to use the entire Capital Reserve Fund of \$101.6 million to offset the shortfall, but to wait for further economic revenue data before taking any additional action.

In December, the State Budget and Control Board voted to enact a 4.5 percent across-the-board budget cut for all agencies and to sequester another .5 percent due to weak state tax collections. The sequestered funds could be released back to state agencies if revenue collections increase in the future. The Board also voted to reduce the Local Government Fund to the amount it was funded in the previous year.

The reduction and sequestration total \$246.5 million and bring 2002-03 expenditures to the level of the Board of Economic Advisors' revised estimate. The reductions took effect when the General Assembly – which met in December in special session – did not take action to alter or stop the reduction.

CAMPAIGN FINANCE

Under the previous General Assembly, a conference committee was appointed to address the differences of the Senate and House of Representatives on the campaign finance bill, but compromise legislation was not passed before the 2002 session ended. Such legislation provides for a broad range of revisions including enhanced penalties for campaign finance violations, accountability provisions for ballot measure committees, and disclosure requirements for what is commonly called "soft money," including funds received for operating expenses, party-building initiatives, and similar activities. This issue is likely to be revisited by the General Assembly in 2003.

CIGARETTE TAX

Legislation which would significantly increase South Carolina's current cigarette tax of 7 cents per pack has been pre-filed for the 2003 legislative session.

The national average tax on cigarettes is 60 cents per pack. Revenue from such a tax increase would be used to fund Medicaid.

DEPARTMENT OF COMMERCE

In July 2002, the Legislative Audit Council (LAC) released results of an audit of the South Carolina Department of Commerce (the Department). The audit focused on whether the Department's administrative expenditures have been reasonable and if controls were adequate to ensure appropriate accountability. Included in the LAC report are findings that the Department has not emphasized cost-effectiveness in its operations, and that some of the Department's expenditures of public funds were not authorized by law. These findings are likely to be addressed by the General Assembly in 2003.

DIABETES MELLITUS (SCHOOL CARE ACT)

Last year the House approved the Diabetes Mellitus School Care Act, which among other things, required school districts to provide training to at least two school employees who must be designated as a diabetes care provider at each public school that does not employ a full-time nurse. The bill was sent to the Senate, but was not taken up before the session ended.

DOMESTIC VIOLENCE PREVENTION

In 2002, the House of Representatives approved the Domestic Violence Prevention Act, but the Senate did not pass the legislation before the end of the session. The legislation approved by the House last year enhanced various penalties for domestic violence offenses and emphasized offender participation in programs designed to treat batterers.

GOVERNMENT RESTRUCTURING

Governor-elect Sanford has indicated his interest in continuing the work on government restructuring that the General Assembly undertook in the early 1990s. Updating this restructuring legislation could include such issues as additional state leadership appointments for the Governor.

HUMAN CLONING

In 2002, the Senate and House passed different versions of a bill to prohibit human cloning, but compromise was not reached on the scope of the prohibition before the

2002 session ended. Both House and Senate versions of the legislation prohibited cloning that involves the growth or creation of a human being from a single cell or cells of a genetically identical human being through asexual reproduction. The House version established a wider prohibition that also included products of human cloning such as stem cells and all other constituent parts of an embryo created through human cloning.

LOCATION OF STATE FARMER'S MARKET

The Columbia State Farmer's Market opened in 1952 at its present location on 50 acres on Bluff Road in Columbia. It was acquired in 1975 by the State. The Columbia Market is ranked in the top ten in the nation for sales volume.

A proviso in the 2002-2003 State Budget Bill creates the Farmer's Market Relocation Oversight Committee, charged to study and make recommendations to the General Assembly in connection with the establishment of a new Columbia State Farmer's Market facility. Membership on the committee includes the Commissioner of Agriculture and representatives of the Department of Commerce, the Agriculture Commission, the Governor, and appointees and members of the House and Senate. The proviso directs that the Governor's Office will provide staffing for the committee, which will make its recommendations in a report to the General Assembly before January 1, 2003. The proviso specifies that items to be considered in the committee's study and recommendations include:

- Location and acquisition of a highly visible, easily accessible site of at least 120 acres of developable property in the Columbia Metropolitan Area;
- Procurement of funding to construct facilities at the new location;
- Oversight of the planning and construction of the facilities at the new location.

Both Richland and Lexington Counties presented potential sites to the Committee. In January 2003, the Committee voted 5-4 to recommend moving the State Farmer's Market to a \$5.3 million, 195 acre site in Richland County, off the Shop Road exit of I-77. Richland County has offered \$4 million for purchase of the property and \$250,000 a year for 20 years for promoting the market.

PREDATORY LENDING

During the previous General Assembly, lawmakers considered legislation intended to curtail certain lending practices that target borrowers with few lending options or limited knowledge about personal finance. This legislation did not pass in 2002, but interest in the issue remains high and it is likely that similar legislation will be considered in 2003.

PUBLIC SERVICE COMMISSION

During the final days of the 2002 legislative session, the Senate approved legislation providing comprehensive revisions to the Public Service Commission, the body elected by the General Assembly to regulate the State's public utilities. The legislation passed by the Senate established new qualifications for Public Service Commission candidates, placed certain restrictions on the activities of Commissioners and other PSC officials, and created an Office of Public Staff, as a separate state agency. In the House of Representatives, the issue of revising the Public Service Commission has been referred to the Labor, Commerce and Industry Committee for study.

SCHOOL START DATE

In 2002, the General Assembly approved legislation directing the State Board of Education (the Board) to establish a task force to study the issue of a statewide uniform beginning date for the annual school term. The task force was charged to report to the Board by October 15, 2002, its recommendations including, but not limited to, the desirability of establishing such a date and if agreed upon, a suggested beginning date to be implemented in all South Carolina public schools.

Currently, school start dates vary across the State. Many schools have moved up their start dates to maximize instructional days before standardized tests are administered and to allow students to complete exams before Christmas holidays. Proponents of establishing a uniform beginning date believe that it would benefit the State's tourism industry to begin the school year closer to Labor Day.

The task force held public hearings across the State to receive input on the issue. Unable to reach a compromise, the task force voted on October 4 to send reports on three different proposals to the State Board of Education. Those proposals included: giving the State's school districts a two-week window in late August to set a start date; leaving the start date up to the local school board; starting all public school years at the same time after Labor Day. The task force also voted to ask the Board whether the State could be more flexible about scheduling the Palmetto Achievement Challenge Test (PACT), which is currently given statewide at the same time to students in grades three through eight.

The Board subsequently approved, by a vote of 9-8, a uniform start date "window" for all public schools, to be implemented beginning with the 2004-2005 school year. The start date "window" requires schools to start no earlier than the last Monday in August and no later than the Wednesday after Labor Day. The Board passed this "window" as a rule, rather than as a regulation. A regulation requires approval of the legislature.

Bills regarding the school start date have been prefiled and will likely be considered before the Board's 2004 implementation date for the uniform start date "window."

SCHOOL VOUCHERS

School voucher programs allow the use of public money in private and parochial schools. For some, this option threatens the very existence of the public education system; for others, such an option provides greater educational opportunities for students and, by introducing competition into the system, has the potential to improve the public education system's performance. A recent U.S. Supreme Court decision ruled that the publicly funded school voucher program in Cleveland, Ohio, does not violate the separation of church and state principle. This decision increases the likelihood that this issue will resurface in the General Assembly in 2003.

SHORTENING THE LEGISLATIVE SESSION

Two measures proposing to shorten the legislative session were approved by the House in the beginning of 2001, but did not receive attention during the 2002 legislative year. This issue will likely reemerge as a legislative initiative in the coming year.

TAX STUDY COMMITTEE RECOMMENDATIONS

House Speaker Wilkins appointed an *ad hoc* committee of House members to study current state revenue laws and tax structure and to recommend ways to simplify and streamline South Carolina's tax structure while ensuring equity, fairness, and stability in the system. This study committee, chaired by Representative Bobby Harrell, has met periodically since July 2002. Recommendations of this committee could become legislative initiatives for 2003.

TRUTH IN SENTENCING

The 2002 session ended without the adoption of compromise legislation for a bill that would expand "Truth in Sentencing" provisions. Under such provisions, offenders are required to serve at least 85% of their sentences and 100% of sentences if no work, education, or good time credits are earned. For offenses included under Truth in Sentencing provisions, parole would be abolished for all offenders who commit crimes after the effective date of the legislation.

BILLS INTRODUCED IN THE HOUSE

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3041 CLOTHING REQUIREMENTS DURING GUN AND MUZZLELOADER DEER HUNTING SEASONS Rep. Witherspoon

This bill provides that hunters must wear a hat, shirt, coat, or vest of solid visible international orange during gun and muzzleloader hunting seasons for deer. Exceptions are provided.

H.3044 LIMITATION ON NEW REGIONAL WASTE WATER TREATMENT FACILITY THAT DISCHARGES INTO THE CATAWBA RIVER BASIN Rep. Sheheen

This bill prohibits the Department of Health and Environmental Control from issuing permits to construct or operate a new regional waste water treatment facility that discharges into waters included in the Catawba River Basin unless a comprehensive water quality study is conducted.

H.3077 EXCEPTION FOR TROT LINES Rep. Witherspoon

This bill revises the prohibition on the possession of game fish or game fish tackle while fishing for nongame fish, so as to provide an additional exception for a person whose nongame tackle consists of trot lines.

H.3103 TOBACCO PRODUCTS FOR SALE MUST BE KEPT OUT OF REACH OF PATRONS Rep. J. Brown

This bill provides that a person who sells tobacco products including, but not limited to, cigarettes, cigars, tobacco, and cigarette papers shall keep these tobacco products behind a counter so as to be out of reach from a customer or patron.

H.3122 BUSINESS WHICH LAUNDERS MATERIAL WHICH CONTAINS RADIOACTIVE MATERIALS EXEMPT FROM CERTAIN ZONING PROVISIONS Rep. J. E. Smith

This bill provides an exemption from certain Local Government Comprehensive Planning Enabling Act provisions for a business whose primary purpose is the laundering of material which contains radioactive materials and is regulated by the Department Of Health And Environmental Control.

H.3157 CLOTHING REQUIREMENTS FOR HUNTERS Rep. Kirsh

This bill provides that hunters must wear a hat, coat, or vest of solid visible international orange when hunting with certain firearms. The bill provides for exceptions and penalties for violations.

H.3158 DAILY CREEL AND SIZE LIMITS ON STRIPED BASS AND BLACK BASS FROM LAKE WYLIE Rep. Kirsh

This bill provides that the Department of Natural Resources may establish the daily creel and size limits on striped bass and black bass from Lake Wylie by regulation.

H.3192 CLOTHING REQUIREMENT FOR HUNTERS DURING A GUN SEASON Rep. Kirsh

This bill provides that hunters in Game Zones 1, 2, and 4 and on all wildlife management area lands must wear a hat, shirt, coat, or vest of solid visible international orange during any gun season. The bill provides that "gun season" means any open season or other period when a hunter is authorized to use or uses any center-fire or rim-fire rifle, shotgun, pistol, or muzzle-loading firearm. The bill provides for exceptions and penalties for violations.

H.3233 GOLDENROD DESIGNATED OFFICIAL STATE WILDFLOWER Rep. Talley

This bill designates the goldenrod as the official state wildflower.

H.3247 RESTRICTIONS ON THE USE OF AIRBOATS Rep. Gourdine

This bill revises restrictions on the use of airboats, so as to provide that it is unlawful to use airboats during the period from one hour after legal sunset to legal sunrise and at anytime during the season for hunting waterfowl.

EDUCATION AND PUBLIC WORKS

H.3008 RESTRICTED LICENSE/TRAVEL TO RELIGIOUS EVENTS Rep. J.E. Smith

This bill provides that current driving restrictions to certain minors may be modified or waived if the restricted licensee proves that the restriction interferes with travel between the licensee's home and religious sponsored events.

H.3022 ASSISTIVE TECHNOLOGY Rep. J. Brown

This bill requires that, beginning no later than age sixteen, special education students who exit the public school system after entering high school must be provided an individual transition plan which outlines transition services to assure that these students have adequate information about and access to adult service agencies. The bill requires that these students must also be provided a statement of interactive responsibilities or linkages for obtaining assistive technology devices and services after they exit the public school system. "Assistive technology" is defined as a device or service used to increase, maintain, or improve the functional capacities of a disabled individual.

**H.3034 PUBLIC EDUCATION FUNDING STUDY
COMMITTEE Rep. Cobb-Hunter**

This joint resolution creates and provides for a committee to study the system of funding public education in South Carolina, including ways to modernize, simplify, and make the system more equitable. The committee would be dissolved upon filing its report to the Governor and the General Assembly on January 15, 2004.

**H.3043 PROCEDURES FOR IMPLEMENTATION OF UNIFORM
SCHOOL START DATE Rep. Townsend**

This bill provides that for purposes of determining a uniform school start date in South Carolina, the State Board of Education shall make its recommendation to the General Assembly by January 1, 2003, and implementation of any change to the present school start date procedures must be determined by the General Assembly by law.

**H.3047 CITIZENSHIP REQUIREMENT FOR CERTAIN
SCHOLARSHIPS Rep. Merrill**

This bill prohibits awarding an academic or need-based scholarship, grant, or loan funded in whole or in part with State or local funds, to a student who is not a U.S. citizen.

**H.3050 PALMETTO FELLOWS SCHOLARSHIP CRITERIA FOR
STUDENTS ATTENDING "MAGNET" OR "OPEN
ENROLLMENT " SCHOOLS Rep. Lucas**

This bill establishes special criteria for awarding Palmetto Fellows Scholarships to students graduating in 2003 and thereafter who attend "magnet" or "open enrollment" schools.

**H.3056 HAZING IN PUBLIC AND PRIVATE SOUTH CAROLINA
SCHOOLS Rep. Kirsh**

This bill defines hazing and provides that it is unlawful to engage in hazing, harassment, or intimidation of a pupil or group of pupils of a public or private school in South Carolina. The bill provides penalties for violation of this provision, including fines or imprisonment or both.

**H.3068 DOT CONTRACTS WITH FARMERS FOR HIGHWAY
RIGHTS-OF-WAY Rep. Snow**

This bill allows the Department of Transportation (DOT) to enter into contracts with farmers in the state's ten most economically disadvantaged counties to maintain the rights-of-way or rural portions of the state's highways.

H.3072 SCHOOL BUS MONITORS Rep. Moody-Lawrence

This bill requires that school buses transporting students in grades K-6 must have on board an adult passenger who serves as a school bus monitor and who is responsible for accountability of all student passengers and enforcing proper school bus etiquette.

**H.3100 STOPPING A DRIVER FOR VIOLATION OF SEAT
BELT PROVISIONS Rep. J. Brown**

This bill strikes the current statutory language which provides that a law enforcement officer must not stop a driver for a seat belt or a child restraining violation in the absence of another violation of the motor vehicle laws.

H.3105 USE OF HANDICAPPED PARKING SPACE Rep. J. Brown

This bill provides that a handicapped parking space is available for use by a person authorized to use a handicapped placard.

H.3106 PARTICIPATION IN INTERSCHOOL SPORTS Rep. Taylor

This bill provides that schools with an organizational structure of grades six, seven, and eight may allow sixth grade students to participate in interschool competitive sports programs which have scheduled games and a championship if all members of the interschool teams have players in these grades only.

**H.3113 SPECIAL EDUCATION TEACHER/ADMINISTRATOR
RECERTIFICATION REQUIREMENTS Rep. J. Brown**

This bill requires a minimum of one credit hour in assistive technology in the recertification requirements for special education teachers and administrators. "Assistive technology" is defined as a device or service that is used to increase, maintain, or improve the functional capacities of a disabled individual.

H.3127 BAND AS A SUBSTITUTE FOR PHYSICAL EDUCATION Rep. Kirsh

This bill allows band to be substituted for physical fitness instruction for all purposes, academic or non-academic.

**H.3128 STOPPING A DRIVER FOR VIOLATION OF SEAT
BELT PROVISIONS Rep. Lourie**

This bill strikes the current statutory language which provides that a law enforcement officer must not stop a driver for a seat belt or child restraint violation in the absence of another violation of the motor vehicle laws.

H.3147 SAFETY BELTS ON SCHOOL BUSES Rep. J. Brown

This bill requires that school buses purchased on or after July 1, 2003, except for church or day care buses, must be equipped with safety belts for each person riding the bus. The bill also provides for design of the safety belts.

**H.3159 REQUIREMENT OF DEFENSIVE DRIVING CLASS FOR
CERTAIN DRIVERS Rep. Davenport**

This bill provides that a person between the ages of seventeen and twenty-one who is adjudicated guilty of speeding in excess of ten miles an hour over the posted speed limit or who is involved in a motor vehicle accident in which he is at fault must complete a defensive driving course.

H.3181 JUNIOR RESERVE OFFICER TRAINING Rep. Altman

This joint resolution creates and provides for a committee to study laws and procedures relating to Junior Reserve Officer Training Corps Programs and the

feasibility of establishing such a program in each high school in South Carolina. The committee is charged to report to the General Assembly by November 1, 2003, and the committee is dissolved on January 31, 2004, unless reauthorized or continued by law.

**H.3182 ENROLLMENT PERIOD FOR STATE-SPONSORED SCHOLARSHIPS
OR OTHER FINANCIAL ASSISTANCE AND ACTIVE MILITARY
DUTY Rep. Altman**

This bill provides that the period in which an eligible student must take any action to obtain a state-sponsored scholarship or other financial assistance for secondary or post-secondary education is tolled during any period the student performs active duty or active duty for training in the Armed Forces of the United States. The bill also provides that these tolling provisions are retroactive to the inception date of each state-sponsored financial assistance program.

**H.3211 INCENTIVES AND PRIVILEGES FOR CERTAIN LICENSED
SCHOOL COUNSELORS Rep. Lourie**

This bill provides that beginning July 1, 2004, a licensed school counselor who has met the requirements for and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified Counselors and who is employed as a school counselor by a local district on a teacher salary schedule shall receive all incentives and privileges offered to individuals receiving the National Board for Professional Teaching Standards (NBPTS) Certification. The bill provides that these incentives and privileges must be discontinued two years after the date on which the NBPTS offers a certification area specifically for school counselors. A school counselor receiving these incentives and privileges then must complete the NBPTS certification in order to continue receiving such incentives and privileges.

**H.3227 CONTRACTING FOR THE PROVISION OF DEPARTMENT
OF MOTOR VEHICLES SERVICES Rep. Thompson**

This bill authorizes the Motor Vehicles Division (DMV) of the Department of Public Safety to enter into contracts throughout the state to provide specified DMV services. The bill requires that the DMV supervise these services and compensate each contracting party providing these services.

H.3236 DRIVING PRIVILEGES FOR ILLEGAL ALIENS Rep. Altman

This bill prohibits the issuance or renewal of a motor vehicle driver's license to an illegal alien.

H.3242 UNIFORM SCHOOL START DATE Rep. Viers

This bill provides that a uniform school start date established for elementary and secondary schools shall be not earlier than the last Monday in August and not later than the Wednesday after Labor Day.

H.3243 ADMINISTRATION OF PACT TEST Rep. Viers

This bill requires that school districts administer the Palmetto Achievement Challenge Test (PACT) annually on the third Monday in May.

**H.3244 REQUIREMENTS FOR FACULTY AT STATE-SUPPORTED
INSTITUTIONS OF HIGHER LEARNING Rep. Stille**

This bill provides that full-time undergraduate faculty of state-supported institutions of higher learning are required to teach twelve credit hours each semester. The bill provides that such faculty who perform contracted research shall have this requirement reduced incrementally, as specified in the bill, based on the percentage of their time spent on research.

H.3245 USC-SPARTANBURG Rep. Stille

This bill provides that the University of South Carolina-Spartanburg shall become "Carolina Spartanburg University" (the University) on July 1, 2003 - a separate and distinct institution governed by a board of trustees established and provided for in the bill. The bill authorizes and provides for the University to issue revenue bonds to finance or refinance construction, reconstruction, improvement, and equipment of buildings for the purposes of the University. The bill also provides for transition of the employees, current appropriations, assets, and liabilities of the University of South Carolina-Spartanburg.

H.3246 USC-AIKEN Rep. Stille

This bill provides that the University of South Carolina-Aiken shall become "Carolina Aiken University" (the University) on July 1, 2003 - a separate and distinct institution governed by a board of trustees established and provided for in the bill. The bill authorizes and provides for the University to issue revenue bonds to finance or refinance construction, reconstruction, improvement, and equipment of buildings for the purposes of the University. The bill also provides for transition of the employees, current appropriations, assets, and liabilities of the University of South Carolina-Aiken.

**H.3253 OMNIBUS DOMESTIC VIOLENCE PREVENTION AND
PROTECTION ACT Rep. Cobb-Hunter**

This comprehensive bill enacts the Omnibus Domestic Violence Prevention and Protection Act, which addresses domestic violence as it relates to South Carolina's state agencies, communities, schools, childcare facilities, law enforcement agencies, the courts, and victims of domestic violence.

**H.3254 SCHOOL START DATE FOR CERTAIN SUMTER COUNTY
SCHOOL DISTRICTS Rep. G.M. Smith**

This bill provides that beginning with school year 2003-2004, the starting date and ending date for the annual school term of Sumter County School Districts 2 and 17 must be set by the board of each respective district, provided that the term must comply with relevant statutory requirements.

H.3255 SCHOOL START DATE FOR AIKEN COUNTY Rep. J.R. Smith

This bill provides that, beginning with school year 2003-2004, the starting date and ending date for the annual school term of the School District of Aiken County must be set by the governing body of the district, provided that the term must comply with relevant statutory requirements.

H.3256 SCHOOL START DATE FOR YORK COUNTY Rep. Kirsh

This bill provides that, beginning with school year 2003-2004, the starting date and ending date for the annual school term of York County School Districts One through Four must be set by the board of each district, provided that the term must comply with relevant statutory requirements.

H.3257 SCHOOL START DATE FOR RICHLAND COUNTY Rep. Lourie

This bill provides that, beginning with school year 2003-2004, the starting date and ending date for the annual school term of Richland County School Districts One and Two must be set by the board of each district, provided that the term must comply with relevant statutory requirements.

**H.3258 SCHOOL START DATE FOR CERTAIN SPARTANBURG
DISTRICTS Rep. Walker**

This bill provides that, beginning with school year 2003-2004, the starting date and ending date for the annual school term of Spartanburg County School Districts One through Seven must be set by the board of each district, provided that the term must comply with relevant statutory requirements.

JUDICIARY

**H.3004 DUTIES OF THE COMMISSION FOR MINORITY AFFAIRS
Rep. Cobb-Hunter**

This bill revises the community served by the State Commission for Minority Affairs so as to include African Americans, Native Americans, Hispanics, Asians, and others. The bill also expands the list of the commission's duties, charging the commission with the responsibility to: determine, approve, and acknowledge by certification state recognition for Native American entities; establish advisory committees representative of minority groups; and, seek federal and other funding on behalf of the State of South Carolina for the express purpose of implementing various programs and services for African Americans, Native Americans, Hispanics, Latinos, and other minority groups.

**H.3005 EMPLOYEE'S RIGHT TO EXAMINE HIS PERSONNEL RECORD
Rep. Cobb-Hunter**

This bill establishes the right for a person employed by an employer doing business or employing residents of this state to examine and obtain copies of all of the contents of his personnel record as maintained by that employer. The bill establishes conditions for this right of access, provides for fees to defray costs involved, and provides for means of enforcement by the Department of Labor, Licensing and Regulation.

**H.3010 EXCLUSIVE FAMILY COURT JURISDICTION OVER MATTERS
RELATING TO THE VALIDITY OF PREMARITAL AGREEMENTS**

Rep. Wilkins

This bill establishes that the family court has exclusive jurisdiction to hear and determine matters relating to the validity of premarital agreements and the effect of premarital agreements on issues otherwise within the court's jurisdiction.

**H.3015 FRAUDULENT CHECKS GIVEN TO DEFERRED PRESENTMENT OR
CHECK CASHING SERVICES**

Rep. Cobb-Hunter

This bill provides that check cashing and deferred presentment services may not rely on civil or criminal remedies for fraudulent checks.

**H.3016 FORFEITURE OF CASH CONFISCATED DURING A PROSTITUTION
ARREST**

Rep. Altman

This bill establishes a forfeiture procedure for cash that is confiscated from a person arrested for a prostitution violation.

**H.3018 LIMITATION ON PERSONNEL ACTIONS AGAINST EMPLOYEE WHO
OWNS, OPERATES OR WEARS CLOTHING ASSOCIATED WITH
MOTORCYCLES**

Rep. J. Brown

This bill provides that the ownership or operation of a motorcycle or the wearing of clothing associated with the ownership or operation of a motorcycle, except when the clothing is obscene, is not the lawful basis of personnel action including, but not limited to, employment, termination, or demotion of an employee. The bill establishes a civil cause of action for an employee who has been adversely affected in violation of this provision.

H.3019 PROSECUTION OF LITTERING

Rep. J. E. Smith

This bill provides that a person who witnesses littering may swear out a warrant in the appropriate court to initiate prosecution of the offender

**H.3020 EMPHASIS ON EQUALIZING TIME WITH PARENTS IN CHILD
CUSTODY/VISITATION RULINGS**

Rep. J.E. Smith

This bill provides that in an action in which child custody or visitation is in dispute the best interests of the child is the overriding principle the court must be guided by in resolving these disputes. The bill provides that, unless a parent is found to be unfit or is geographically removed from the child, the best interests of the child are considered to be served when the order of the court equally promotes and encourages the ongoing development and enhancement of the child's relationship with each parent.

**H.3023 INDIRECT THREATS AGAINST PUBLIC OFFICIALS, SCHOOL
TEACHERS, AND PRINCIPALS**

Rep. J. E. Smith

This bill revises the law against threatening the life, person, or family of a public official, school teacher or principle so as to include both direct and indirect threats.

H.3025 IRREVOCABLE PRESIDENTIAL ELECTOR DECLARATIONS

Rep. Altman

This bill provides that a presidential elector is deemed to have irrevocably voted for a candidate at the time he declares for a candidate.

H.3026 UNLAWFUL TO REPORT FALSE CREDIT INFORMATION Rep. Altman

This bill provides that it is unlawful for a person or business knowingly to furnish false information about a person's creditworthiness, credit standing, or credit capacity. A violator must be fined not more than two thousand dollars.

H.3031 COMPENSATION FOR REMOVING LEGAL SIGNAGE

Rep. Davenport

This bill provides that a state or local governmental entity shall not remove or cause to be removed a lawfully erected sign located in the view of an interstate highway, roadway, or street without justly compensating its owner.

**H.3032 ASSAULT AND BATTERY UPON PUBLIC TRANSPORTATION
WORKERS Rep. Cobb-Hunter**

This bill revises provisions on assault and battery upon emergency medical service providers, firefighters, or home health care workers, so as to revise the elements and conditions of this offense and include public transportation workers.

**H.3036 REVISION OF THE AMOUNT OF SECURITY DEPOSIT REQUIRED
FOR PROFESSIONAL BONDSMAN Rep. Altman**

This bill revises the amount a professional bondsman is required to maintain as a deposit with a clerk of court from one-fourth the amount of all bonds or undertakings written in this State on which he is absolutely or conditionally liable as of the first day of the current month to one-tenth that amount.

**H.3037 CANDIDATE PROHIBITED FROM BEING NOMINATED BY MORE
THAN ONE POLITICAL PARTY Rep. Altman**

This bill provides that a candidate may not be nominated by more than one party. The authority charged by law with printing the ballot shall print the name of a candidate with the one political party which nominates him and may not print his name as nominated by more than one party.

**H.3038 PRIMARY ELECTION DATE CHANGED TO LAST TUESDAY IN JUNE
Rep. Altman**

This bill changes the primary election date from the second to the last Tuesday in June.

**H.3039 MINIMUM NUMBER OF ELECTORS REQUIRED FOR A POLLING
PRECINCT Rep. Altman**

This bill requires a polling precinct to have a minimum of seven hundred fifty registered electors.

H.3042 NONPARTISAN SCHOOL BOARD ELECTIONS Rep. Walker

This bill provides for nonpartisan school board elections beginning in 2003.

H.3048 REQUIRED RECORD OF FEES PAID TO GUARDIANS AD LITEM

Rep. Merrill

This bill requires County Clerks of Court to maintain a public record of the amount of fees paid to each guardian ad litem in the county.

H.3049 PROHIBITION ON STATE AGENCY LOBBYING Rep. Merrill

This bill provides that it is unlawful for a state agency, instrumentality, or department to expend public funds in order to employ or contract with a lobbyist. This prohibition does not include: (1) appearances by the administrative head of a state agency, instrumentality, or department before a public body by specific request; (2) authorized employees of the General Assembly, Office of the Governor, State Supreme Court, the State Budget and Control Board, the State Commission on Higher Education, or the Department of Revenue, whose duties are to assess the impact of proposals which affect the administration of state government.

H.3052 LITTER GATHERING LABOR AS SENTENCE FOR LITTERING

Rep. Harrison

This bill provides that when a sentence for a littering violation includes litter-gathering labor in addition to a fine or imprisonment, the litter-gathering portion of the sentence is mandatory and must not be suspended nor probation granted in lieu of the litter-gathering requirement except for a person's physical or other incapacities.

H.3054 REVISIONS TO STATE FINGERPRINT REVIEW REQUIRED FOR INITIAL EDUCATION CERTIFICATION Rep. Walker

This bill revises provisions relating to an applicant for initial education certification being required to undergo a state fingerprint review, so as to revise the time when the applicant shall undergo the review, the manner of the review, and the individuals to whom this provision applies.

H.3055 "SOUTH CAROLINA ELIMINATION OF DOUBLE RECOVERIES ACT OF 2003" Rep. Kirsh

This bill enacts the "South Carolina Elimination of Double Recoveries Act of 2003" so as to provide that in tort actions evidence of collateral source payments which have been paid or may be due the claimant may be introduced in evidence. Under the act, the trier of fact must consider the collateral source payments when determining the amount of damages. Under the act, the trier of fact must make certain factual findings with regard to its damage award.

H.3059 REVISIONS TO PROCEDURES REQUIRED IN DRIVING UNDER THE INFLUENCE ARRESTS Rep. Kirsh

This bill revises DUI arrest procedures by eliminating the provision that requires that before a breath test is administered, a ten one-hundredths of one percent simulator test must be performed and the result must reflect a certain reading. Instead of this current requirement the bill provides that before the breath test is administered, a simulator test must be performed according to State Law Enforcement Department's procedures and standards. The bill also revises the provision relating

to the videotaping of the incident site and breath site when a person is suspected of driving under the influence, so as to eliminate the requirement that the videotaping of an incident site must conclude after the arrest of the person.

H.3060 KAYAKING AND CANOEING LIABILITY IMMUNITY Rep. Kirsh

This bill provides for certain kayaking and canoeing liability immunity whereby a kayaking or canoeing activity sponsor or a kayaking or canoeing professional is not liable for an injury to or the death of a participant resulting from an inherent risk of kayaking or canoeing activity absent specified factors.

H.3061 EXPENDITURE REQUIREMENTS FOR CHARITABLE ORGANIZATIONS

Rep. Kirsh

This bill requires that at least eighty percent of the gross receipts from contributions a charitable organization solicits in this state be used directly for the stated charitable purpose of the organization. Communication and advocacy are included as part of the defined charitable purpose.

H.3062 ADVERTISING, SELECTION OF ADOPTIVE PARENTS, AND INFORMATION EXCHANGES AUTHORIZED FOR ADOPTIONS

Rep. Kirsh

This bill makes various revisions regarding adoptions. The bill authorizes a person consenting to the adoption of a child to select the prospective adoptive parents. The bill authorizes the release of certain detailed information to the biological parent or guardian on the prospective adoptive parents and their extended families. The bill provides that other information may be exchanged between the biological and prospective adoptive parents. The bill authorizes advertising by a person who wishes to adopt a child and establishes certain requirements for such advertising.

H.3063 MAGISTRATES' COURT APPEARANCES AND DRIVERS' LICENSE PROVISIONS FOR THE MENTALLY ILL Rep. Kirsh

This bill extends provisions relating to the determination of that an individual is unable to stand trial because of a mental condition, so as to provide that the provisions also apply to Magistrates' Court. The bill provides a procedure to suspend and reinstate a person's driver's license or privilege to drive who is unable to stand trial because of a mental condition. The bill provides a procedure to suspend and reinstate a person's driver's license or privilege to drive who has suffered a relapse of a mental condition before his trial date.

H.3069 GENETIC TESTING AND PATERNITY AND CHILD SUPPORT ORDERS

Rep. Snow

This bill provides that the court shall set aside a finding of paternity, and any order for child support based upon this paternity, upon the petition of a signatory to the voluntary acknowledgement of paternity, brought within three years of the establishment of paternity, if genetic testing conducted subsequent to the establishment of paternity reveals that there is not a statistical probability of paternity of ninety-five percent or higher.

H.3071 SAFETY REQUIREMENTS FOR FIREARMS Rep. Moody-Lawrence

This bill provides that it is unlawful for an owner of a pistol to not maintain his pistol in a locked compartment or have a trigger lock placed on it when the pistol is not in use. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not more than one thousand dollars.

H.3074 MISDEMEANOR FOR A PERSON RECEIVING PUBLIC ASSISTANCE TO PURCHASE A LOTTERY TICKET Rep. Altman

This bill provides that a person who receives public assistance who knowingly purchases a lottery game ticket is guilty of a misdemeanor and, upon conviction, must perform twenty hours of public service and/or be imprisoned for not less than ten days or more than thirty days.

H.3075 SOLICITOR REQUIRED TO CERTIFY LIKELIHOOD OF GUILTY JURY VERDICT BEFORE CALLING CASE FOR TRIAL Rep. Altman

This bill provides that, before calling a criminal case for trial, the solicitor shall certify in writing that it is the solicitor's professional opinion that a jury, upon the trial of this particular case, will more likely than not return a verdict of guilty. The solicitor shall provide the certification to the court and counsel for the defendant, and record it in the solicitor's office. The certification must not be referred to during the trial. The certification becomes a public record after the trial.

H.3076 PREFERENTIAL TREATMENT BASED ON RACE DISALLOWED IN GOVERNMENTAL AFFAIRS Rep. Altman

This bill provides that no provision of law or regulation, no policy, procedure, or governmental action of a state entity or political subdivision of the State, and no funds appropriated pursuant to state law may grant preferential treatment to an individual or group based on the criterion of race.

H.3078 CLARIFICATION OF THE OFFENSE OF UNLAWFUL THROWING OF BODY FLUIDS ON AN EMPLOYEE OF A LOCAL CORRECTIONAL FACILITY Rep. Lucas

This bill the provision regarding the unlawful throwing of body fluids on an employee of a state or local correctional facility by an inmate, detainee, person taken into custody, or a person under arrest, so as to provide that the term "local correctional facility" includes, but is not limited to, a local detention facility.

H.3082 AFFIRMATIVE APPROVAL OF REGULATIONS BY THE GENERAL ASSEMBLY Rep. Scarborough

This bill revises the process by which the General Assembly reviews of regulations, so as to require affirmative approval of regulations the General Assembly rather than the current process which allows regulations to become effective after one hundred twenty days.

H.3083 ASSAULT AND BATTERY AGAINST SCHOOL PERSONNEL

Rep. Talley

This bill revises provisions relating to assault and battery against school personnel by a student, so as to provide a definition for the term "parent" and to establish the crimes of misdemeanor assault and battery against school personnel by a parent and felony assault and battery of a high and aggravated nature against school personnel by a parent.

H.3084 "YOUTH ACCESS TO TOBACCO PREVENTION ACT OF 2003"

Rep. Talley

This bill enacts the "Youth Access to Tobacco Prevention Act of 2003" which revises provisions of law disallowing the supplying of minors with tobacco and tobacco-related products.

H.3085 DRIVER'S LICENSE SUSPENSION FOR PERSONS ACCEPTED INTO PRETRIAL INTERVENTION PROGRAMS FOR DRUG OR UNDERAGE PURCHASE/POSSESSION Rep. Kirsh

This bill revises provisions relating to driver's license suspension due to a conviction of a controlled substance violation and underage purchase and possession of alcohol offenses, so as to provide that if a person is accepted into a pretrial intervention program for either offense, the person's driver's license must be suspended.

H.3086 FAILURE TO STOP WHEN SIGNALLED BY A ROAD GUARD IN A SCHOOL ZONE Rep. Kirsh

This bill provides that it is unlawful for a driver of a motor vehicle to fail to stop when signaled to stop by a road guard in a school zone. A violation of this provision is a misdemeanor and a violator may be fined and imprisoned. The bill provides for the placement of signs in school zones that inform motorists of the hours a road guard is on duty and the penalty for failing to stop when signaled by a road guard.

H.3087 ALLOWING ANOTHER PERSON IMPAIRED BY ALCOHOL OR DRUGS TO OPERATE ONE'S MOTOR VEHICLE Rep. Altman

This bill provides that a person who owns or controls a motor vehicle is guilty of a misdemeanor if he allows another person impaired by alcohol or drugs or who reasonably is known to him to be a habitual user of alcohol or drugs to operate the motor vehicle. The bill provides penalties for the offense. The bill also provides that a motor vehicle covered by this provision must be confiscated by the local government where the offense occurred and destroyed or sold at public auction with the sale proceeds being placed in the local government's general fund.

H.3091 ALLOWING ANOTHER PERSON WHO DOES NOT HAVE A VALID DRIVER'S LICENSE TO OPERATE ONE'S MOTOR VEHICLE

Rep. Altman

This bill provides that a person owning or controlling a motor vehicle is guilty of a misdemeanor if he allows another person to operate the motor vehicle if he knows or should have known the other person does not have a valid South Carolina

driver's license. The bill provides a penalty for the offense. The bill provides that a motor vehicle covered by this provision must be confiscated and sold at public auction by the local government where the offense occurred and the proceeds from the sale placed in its general fund.

H.3092 DEATH PENALTY INFORMATION MAINTAINED BY THE OFFICE OF INDIGENT DEFENSE Rep. G. M. Smith

This bill provides that, whenever notice is given to a defense attorney of the solicitor's intent to seek the death penalty, the solicitor must also give notice of that intent to the South Carolina Office of Indigent Defense. In addition to general provisions relating to this notification requirement, the bill also provides for the reporting of certain statistical information to the Office of Indigent Defense relating to crime to enable accurate record keeping.

H.3093 PUBLIC ACCOMMODATIONS MAY NOT DISCRIMINATE AGAINST MOTORCYCLISTS Rep. J. Brown

This bill provides that places of public accommodation may not discriminate against a person based on the ownership or operation of a motorcycle or the wearing of clothing associated with motorcycles, except when the clothing is obscene.

H.3095 ROBBERY OR ATTEMPTED ROBBERY WHILE ALLEGING ONE IS ARMED WITH A DEADLY WEAPON Rep. G. M. Smith

This bill provides that a person who commits robbery or attempted robbery while alleging, either by action or words, that he is armed with a pistol, dirk, slingshot, metal knuckles, razor, or another deadly weapon or object is guilty of a felony and, upon conviction, must be imprisoned not more than twenty years.

H.3099 SUBSTITUTION OF A CANDIDATE WHERE A PARTY NOMINEE DIES, BECOMES DISQUALIFIED, OR RESIGNS FOR A LEGITIMATE NONPOLITICAL REASON Rep. Cobb-Hunter

This bill revises provisions relating to substitution of a candidate where a party nominee dies, becomes disqualified, or resigns for a legitimate nonpolitical reason, so as to provide that an appeal from an election must be to the circuit court of the county in which the affidavit is filed stating the legitimate nonpolitical reason for withdrawing as a candidate.

H.3102 "PARENTAL RIGHTS AND RESPONSIBILITIES ACT" Rep. Davenport

This bill enacts the Parental Rights and Responsibilities Act, so as to establish the rights of parents in directing the upbringing of their children; to prohibit the state from interfering in this right; to allow a parent to raise a violation of this act as a claim or defense; to provide for attorney's fees when a parent prevails; and to exempt certain actions between parents.

H.3107 PROPOSED CONSTITUTIONAL AMENDMENT ON APPOINTMENT OF SUPERINTENDENT OF EDUCATION BY THE GOVERNOR Rep. Walker

This joint resolution proposes an amendment to the Constitution of South Carolina so as to remove the Superintendent of Education from the list of state officers required to be elected and provide, instead, that the Superintendent must be

appointed by the Governor, with the advice and consent of the General Assembly, to serve at his pleasure and to be removable by him for any reason. The joint resolution specifies that the amendment would take effect upon the expiration of the term of the Superintendent of Education serving in office on the date of the 2006 general election.

H.3108 CLASSIFICATION OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE AND CAUSING GREAT BODILY INJURY AND DEATH BY OPERATING A VEHICLE WHILE UNDER THE INFLUENCE AS VIOLENT CRIMES Rep. Davenport

This bill adds to the list of offenses classified as violent crimes assault and battery of a high and aggravated nature (common law crime); and causing great bodily injury or death by operating a vehicle while under the influence of alcohol or another controlled substance.

H.3111 CIVIL ACTION FOR PERSONAL INJURY DAMAGES/WRONGFUL DEATH ARISING OUT OF CRIMINAL ACTIVITY COMMITTED BY PLAINTIFF PROHIBITED Rep. Davenport

This bill provides that a civil action may not be brought against a person for damages for injuries or wrongful death sustained as a result of criminal activity attempted or committed by the plaintiff or his decedent. This provision applies in actions brought against the victim of a crime or attempted crime or a person acting on behalf of the victim who, while defending the real or personal property or the life of another, inflicts injury or bodily harm upon the plaintiff or the plaintiff's decedent.

H.3115 LIMITATION OF JUDGE'S DISCRETION REGARDING DRIVING UNDER THE INFLUENCE SENTENCING Rep. Davenport

This bill makes revisions that limit a judge's discretion when he issues a sentence for an offense of driving under the influence of alcohol or another controlled substance.

H.3116 STATE AGENCY AND DEPARTMENT EFFICIENCY REVIEWS Rep. Davenport

This bill creates a division within the Legislative Audit Council to conduct reviews of state agencies and departments to determine if they are effective and efficient.

H.3117 STUDENT FELONS Rep. Davenport

This bill revises the grounds upon which a student may be barred from enrolling by providing that a student may be barred for commission of a felony or an activity which constitutes the felony rather than for a violent crime or other specified crime. The bill authorizes sending the student to an alternative school. The bill eliminates the provision that the bar applies for a maximum of one year, and provides, instead, that the bar may be extended.

H.3118 COURT-AWARDED GRANDPARENT VISITATION Rep. J. Brown

This bill eliminates conditions which limit when the court may award grandparent visitation.

H.3120 COCAINE AND CRACK COCAINE PROVISIONS Rep. Davenport

This bill removes cocaine from the penalty and prima facie evidence provisions as they relate to the offenses of unlawful possession of cocaine, and possession of cocaine with intent to distribute. The bill equalizes the penalties for unlawful possession of cocaine and crack cocaine and the penalties for possession of cocaine and crack cocaine with intent to distribute by including cocaine in the penalty and prima facie evidence provisions.

H.3123 "CITIZENS PARTICIPATION IN GOVERNMENT ACT OF 2003"

Rep. J. E. Smith

This bill enacts the "Citizens Participation in Government Act of 2003" which provides that acts in furtherance of the constitutional right to petition are immune from civil liability except when the acts are not aimed at procuring a governmental or electoral action, result, or outcome. The bill provides expedited procedures for hearing motions in actions brought in opposition to a citizen's right to petition the government. The bill provides for attorney's fees and costs to the prevailing party.

H.3124 COMPETITIVE BID PROCEDURE FOR CONTRACTS WITH PRIVATE ATTORNEYS FOR LEGAL REPRESENTATION OF THE STATE

Rep. Cobb-Hunter

This bill requires a competitive bid procedure for soliciting bids from at least three private law firms or private sole practitioners of law before the attorney general may enter into a contract for the representation of the state in a legal matter involving the state. The bill creates a board of review to develop a rotating and annually updated list of preapproved private law firms and sole practitioners of law and to develop and implement the competitive bid process for each proposed contract for legal representation. The bill requires approval from the State Budget and Control Board of each proposed contract for legal representation of the state by a private law firm or sole practitioner of law.

H.3126 LEGISLATIVE ACTIONS PRESUMED LEGAL Rep. Altman

This bill provides that acts, resolutions, or laws of this state enacted by the General Assembly are afforded a presumption of legality and constitutionality. The bill establishes the burden of proof a plaintiff must meet in seeking to overturn any act, resolution, or law of this state. The bill provides that the Attorney General promptly shall notify certain officers of the General Assembly if a court declares any act, resolution, or law unconstitutional, invalid, or without force and effect.

H.3129 STALKING CONSIDERED AGGRAVATING CIRCUMSTANCE WHEN IMPOSING DEATH PENALTY Rep. Kirsh

This bill includes as a separate statutory aggravating circumstance which may be considered in the determination of whether the death penalty may be imposed, a murder committed while in the commission of stalking or aggravated stalking.

H.3130 FIREARMS RESTRICTIONS FOR DOMESTIC VIOLENCE OFFENDERS

Rep. Lourie

This bill provides that it is unlawful for a person convicted of a misdemeanor criminal domestic violence offense to ship, transport, possess, or receive a firearm

or ammunition if the conviction meets certain conditions. Penalties are provided for violations. The bill provides that it is unlawful for a person subject to a protection order, under certain conditions, to ship, transport, possess, or receive a firearm or ammunition. Penalties are provided for violations.

H.3131 COURT ORDERED PARENT-TEACHER CONFERENCES REGARDING DISRUPTIVE STUDENTS Rep. Kirsh

This bill provides that the school board has authority to petition the family court, and the family court has jurisdiction to hear a petition, to require parents or legal guardians of students who habitually exhibit disruptive behavior in their classrooms to attend parent-teacher conferences.

H.3132 PROPOSED AMENDMENT TO CONSTITUTIONAL PROHIBITION ON PUBLIC OFFICERS GAMBLING Rep. Scott

This joint resolution proposes an amendment to the Constitution Of South Carolina that would revise the constitutional prohibition on public officers gambling or betting on games of chance, so as to limit that prohibition to apply only to the Governor, constitutional officers, and members of the General Assembly, including participation in lotteries conducted by the state of South Carolina.

H.3133 NONMARITAL PROPERTY Rep. Altman

For purposes of judicial apportionment during marital litigation, this bill include as nonmarital property any property that is neither acquired with marital funds nor titled in the name of one or the other spouse, or both of them. The bill provides that the property may not be apportioned permanently or temporarily nor transmuted into marital property for any purpose.

H.3134 REMOVAL OF A PROBATE PROCEEDING TO THE CIRCUIT COURT Rep. Scott

This bill provides that, for the removal of a probate proceeding to the circuit court, the moving party must show, and the probate court must find, good cause for the removal of the proceeding.

H.3136 DEATH PENALTY INFORMATION MAINTAINED BY THE OFFICE OF INDIGENT DEFENSE Rep. G. M. Smith

This bill provides that, whenever notice is given to a defense attorney of the solicitor's intent to seek the death penalty, the solicitor must also give notice of that intent to the South Carolina Office of Indigent Defense. In addition to general provisions relating to this notification requirement, the bill also provides for the reporting of certain statistical information to the Office of Indigent Defense relating to crime to enable accurate record keeping.

H.3137 PROBATE JUDGE QUALIFICATIONS Rep. Sinclair

This bill revises qualifications for a judge of probate.

H.3138 CLERGY REQUIRED TO REPORT CHILD ABUSE AND NEGLECT

Rep. J. E. Smith

This bill revises the statutory list of professionals required to report child abuse and neglect, so as to include a member of the clergy. The legislation provides that the priest and penitent privilege only applies when the communication is made in the course of a sacramental communication.

H.3139 "SOUTH CAROLINA NONECONOMIC DAMAGE AWARDS ACT OF 2003" Rep. Kirsh

This bill enacts the "South Carolina Noneconomic Damage Awards Act of 2003" which provides for certain limits on the amount and types of damage awards in personal injury actions. The legislation provides for findings which must be made with regard to such damage awards.

H.3142 IMMUNITY FROM LIABILITY FOR INJURIES OF TRESPASSERS ON PRIVATE PONDS Rep. Witherspoon

This bill an owner of a private pond who has posted his property with clearly visible signs prohibiting trespassing upon the premises may not be held liable for any injury sustained by a person who was trespassing on the property at the time of the injury.

H.3144 DEFINITION OF "MEETING" UNDER THE FREEDOM OF INFORMATION ACT Rep. Altman

This bill revises the definition of the term "meeting" under the Freedom of Information Act so as to provide that it is a corporal convening of the membership of the body and to eliminate convening by means of electronic equipment except in the case of a natural or declared disaster.

H.3145 PROPOSED CONSTITUTIONAL AMENDMENT AUTHORIZING PUBLIC OFFICERS TO PARTICIPATE IN STATE APPROVED LOTTERY

Rep. Scott

This joint resolution proposes an amendment to the South Carolina Constitution's prohibition on public officers gambling or betting on games of chance, so as to provide an exception that allows participation in lotteries conducted by the state of South Carolina.

H.3146 DEALING DRUGS NEAR A PUBLIC OR PRIVATE DAYCARE FACILITY, PUBLIC OR PRIVATE KINDERGARTEN, OR A PRIVATE VOCATIONAL OR TECHNICAL SCHOOL Rep. Altman

This bill revises the offense of distributing a controlled substance while in, on, or within one-half mile of a school, park, vocational or technical school, or college or university, so as to extend the offense to include a public or private daycare facility, public or private kindergarten, and a private vocational or technical school.

**H.3150 PROPOSED CONSTITUTIONAL AMENDMENT THAT
REAPPORTIONMENT BILLS NOT BE SENT TO THE GOVERNOR**

Rep. Altman

This joint resolution proposes to amend the South Carolina Constitution so as to provide that no presentation to the Governor is required for a legislative enactment to be effective which apportions qualified electors among the geographical areas from which members of the House of Representatives, Senate, and United States House of Representatives are elected.

**H.3151 CLAIMS FOR AND AGAINST MINORS AND INCAPACITATED
PERSONS HEARD IN PROBATE COURT**

Rep. Altman

This bill raises the jurisdictional amount below which claims for and against minors and incapacitated persons may be heard in probate court from twenty-five thousand to thirty-five thousand dollars.

H.3156 JUVENILE JUSTICE REVISIONS

Rep. Davenport

This bill revises the definitions of definition of the term child in the Juvenile Justice Code, so as to include persons under eighteen years of age in the case of status offenses. The bill revises procedures for taking juveniles into custody, so as to apply these procedures to juveniles being taken into custody for status offenses. The bill revises provisions for suspension and revocation of a driver's license as part of the family court's dispositional authority in adjudicating juveniles, so as to, in the case of status offenses, apply this authority to juveniles up to age eighteen rather than age seventeen. The bill revises provisions relating to compulsory school attendance, so as to require children to attend school until reaching the age of eighteen rather than age seventeen.

**H.3161 PROPOSED CONSTITUTIONAL AMENDMENT AUTHORIZING
RECALL AND REMOVAL OF ELECTED OFFICERS**

Rep. Davenport

This joint resolution proposes an amendment to the South Carolina Constitution so as to provide for recalling and removing from public office persons holding state or local government offices filled by a vote of qualified electors and to require the General Assembly to enact implementing legislation.

H.3162 DAMAGE AWARDS PROHIBITED FOR UNINSURED MOTORISTS

Rep. Kirsh

This bill prohibits the awarding of damages in favor of a person who is injured while operating his motor vehicle if his injuries resulted from his operation of the vehicle and if he did not have in effect for that vehicle the financial security required by the laws of this state at the time the injury occurred.

**H.3163 JUDGE, COURT, OR COURT OFFICIAL PROHIBITED FROM
APPOINTING AN ATTORNEY TO REPRESENT A PARTY IN A CIVIL
ACTION**

Rep. Delleney

This bill prohibits a judge, court, or court official from appointing an attorney to represent a party in a civil action unless the authority to make the appointment is provided specifically by law.

H.3165 *MENTALLY RETARDED PERSON NOT SUBJECT TO THE DEATH PENALTY* Rep. Harrison

This bill provides that a person convicted of murder who was mentally retarded at the time of the offense must not be sentenced to death, but must be sentenced to life imprisonment.

H.3166 *STANDARDS AND PROCEDURES FOR THE RECOVERY OF PUNITIVE DAMAGES IN CIVIL ACTIONS* Rep. Kirsh

This bill establishes standards and procedures for the recovery of punitive damages in civil actions, including: a limit on the maximum amount of punitive damages which may be awarded; the manner in which punitive damages must be stated and pled; the responsibilities of the trier of fact and the court with regard to punitive damages; and the awarding of attorney's fees in frivolous or malicious punitive damage claims.

H.3180 *IDENTIFICATION OF A PERSON INDEPENDENTLY PAYING FOR AN ELECTION-RELATED COMMUNICATION* Rep. Sheheen

This bill revises provisions relating to the identification of a person independently paying for an election-related communication, so as to require the name and address of the candidate, committee, or person making the expenditure to be printed in all capital letters and in twelve point type.

H.3183 *REGISTRATION OF LOBBYISTS AND LOBBYIST'S PRINCIPALS BY CALENDAR YEAR* Rep. Sheheen

This bill requires that a lobbyist's and a lobbyist's principal's registration with the State Ethics Commission is valid for the entire calendar year for which the lobbyist/lobbyist's principal is registered and that all pertinent provisions and prohibitions apply for the entire calendar year for which the lobbyist/lobbyist's principal remains registered.

H.3186 *"SOUTH CAROLINA TRUTH IN SENTENCING ACT"* Rep. Wilkins

This bill expands "Truth in Sentencing" provisions under which offenders are required to serve at least 85% of their sentences and 100% of sentences if no work, education, or good time credits are earned. For offenses included under truth in sentencing provisions, parole is abolished for all offenders who commit crimes after the effective date of the legislation.

H.3187 *USE OF PUBLIC FUNDS FOR LOBBYING PROHIBITED* Rep. Merrill

This bill prohibits the use of public funds to employ or contract with a lobbyist. Exceptions are provided.

H.3190 *"RIGHT TO LIFE ACT OF SOUTH CAROLINA"* Rep. Davenport

This bill enacts the "Right to Life Act of South Carolina" which establishes that the right to due process and the right to equal protection vest at fertilization.

H.3193 *"THE ILLEGAL ALIEN ENFORCEMENT ACT"* Rep. Altman

This bill enacts "The Illegal Alien Enforcement Act" which provides that, to the extent permitted by federal law, all state, county, and municipal law enforcement

officials in this state, and any other person having the power of arrest in this state, are authorized to arrest and detain an individual for a criminal violation of the Federal Immigration and Nationality Act and any federal law relating to aliens illegally present in the United States. The bill provides certain limitations on the exercise of the authority to arrest and detain certain illegal aliens. The bill provides that this act must be construed consistent with the purpose of authorizing the arrest and detention of certain aliens illegally present in the United States incident to enforcement of the Federal Immigration and Naturalization Act and federal laws relating to aliens illegally present in the United States. The bill also renames Chapter 20, Title 23 "Law Enforcement Cooperation, Assistance, and Mutual Support" and designates Sections 23-20-10 through 23-20-60 as Article 1 of Chapter 20, Title 23, entitled "The Law Enforcement Assistance and Support Act".

H.3194 PROHIBITION ON LOCAL REGULATION THAT IS MORE STRINGENT THAN STATE REGULATION Rep. Witherspoon

This bill provides that counties and municipalities may not enact an ordinance that supersedes a state law or regulation or that imposes a greater burden or a more stringent standard on an activity or industry that is regulated by the general law of the state.

H.3196 PENALTIES EQUALIZED FOR COCAINE AND CRACK COCAINE Rep. Davenport

This bill removes cocaine from the penalty and prima facie evidence provisions of Section 44-53-370 as they relate to the offenses of unlawful possession of cocaine, and possession of cocaine with intent to distribute; and revises Section 44-53-375, relating to prohibited acts and penalties in connection with possession, distribution, and manufacture of ice, crank, and crack cocaine, so as to equalize the penalties for unlawful possession of cocaine and crack cocaine and the penalties for possession of cocaine and crack cocaine with intent to distribute by including cocaine in the penalty and prima facie evidence provisions of section 44-53-375.

H.3197 PROHIBITION ON USE OF GENERAL ASSEMBLY OFFICE SPACE FOR PARTISAN POLITICAL ACTIVITIES Rep. Sheheen

This bill provides that office space in the Solomon Blatt Building and the L. Marion Gressette Senate Office Building located in the Capitol Complex may not be used for partisan political activities by a political party or caucus.

H.3198 LOCAL GOVERNMENT EXCLUDED FROM FAMILY PRIVACY PROTECTION ACT PROVISIONS Rep. Easterday

This bill revises the prohibition of knowingly obtaining or using personal information obtained from a public body for commercial solicitation directed to a person in this state, so as to substitute "state agency" for "public body". The bill provides that the prohibition does not apply to a local governmental entity of a subdivision of this state or local government.

H.3199 CLERGY REQUIRED TO REPORT CHILD ABUSE AND NEGLECT

Rep. J. E. Smith

This bill revises the list of persons required to report child abuse and neglect, so as to include a member of the clergy. The bill requires a priest to make such reports except if the communication is protected by the statutorily prescribed priest-penitent privilege.

H.3202 PROHIBITION ON USE OF PUBLIC FUNDS FOR LOBBYING

Rep. Merrill

This bill prohibits the use of public funds to employ or contract with a lobbyist. Exceptions are provided.

H.3206 CAMPAIGN FINANCE REVISIONS Rep. Wilkins

This bill provides for a broad range of revisions to campaign finance laws including enhanced penalties for campaign finance violations, accountability provisions for ballot measure committees, and disclosure requirements for what is commonly called "soft money," including funds received for operating expenses, party-building initiatives, and similar activities.

H.3207 SHORTENING THE LEGISLATIVE SESSION BY REVISING THE TIME OF ANNUAL ADJOURNMENT Rep. Wilkins

This bill changes the date for the mandatory adjournment of the General Assembly from the first Thursday in June to the second Thursday in May. The bill also provides that in any year that the House of Representatives fails to give third reading to the appropriations bill by March fifteenth, rather than March thirty-first, the date of adjournment is extended by one statewide day for each statewide day after March fifteenth, rather than March thirty-first, that the House fails to give the bill third reading.

H.3208 OVERSIGHT OF PUBLIC ECONOMIC DEVELOPMENT INITIATIVES

Rep. Wilkins

This bill provides that monies constituting a fund of any kind used by the Department of Commerce, regardless of their source, are public monies subject to all accountability and disclosure requirements governing public monies. The bill requires an annual report of all expenditures to the Governor and the General Assembly. The bill provides that funds from foundation grants and private funds used by the Coordinating Council for Economic Development to enhance economic growth and development are public monies subject to all accountability and disclosure requirements governing public monies unless otherwise exempted. The bill revises provisions specifying information that is exempt from disclosure under the Freedom of Information Act, so as to provide that a document reflecting the final financial commitment by a public body is a covered document of, or incidental to, a proposed contractual arrangement and a proposed sale or purchase of property and therefore subject to disclosure as prescribed. The bill provides that a contract related to efforts or activities of a public body to attract or retain business or industry to invest in this state is exempt only until the business or industry publicly announces its project or the council executes a final contract. The bill provides that documentation of efforts or activities of a public body or one acting for a public

body to attract or retain business or industry to invest within South Carolina is exempt from disclosure unless the documents relate to the financial commitment by a public body, which documentation loses its exemption once the business or industry has publicly announced its project or the council has executed a final contract.

**H.3209 PROPOSED CONSTITUTIONAL AMENDMENT TO SHORTEN THE
LEGISLATIVE SESSION BY REVISING ANNUAL COMMENCEMENT**
Rep. Wilkins

This joint resolution proposes an amendment to the Constitution of South Carolina, relating to sessions of the General Assembly, so as to provide for annual sessions of the General Assembly commencing at varying times in even-numbered years and odd-numbered years. The proposed amendment provides for an organizational session for the Senate in certain years. The proposed amendment provides for other revisions regarding the elimination of certain obsolete language, provisions for the election of officers of the General Assembly, provisions for certain meetings for the introduction and referral to committee of legislation, and provisions for certain committee meetings.

**H.3212 CREDITS IN VULNERABLE ADULT ABUSE IN CONTINUING LAW
ENFORCEMENT EDUCATION REQUIREMENTS** **Rep. Lourie**

This bill revises requirements in continuing law enforcement education credits in domestic violence, so as to also require credits in vulnerable adult abuse.

H.3213 STATUS OFFENSES UNDER THE JUVENILE JUSTICE CODE
Rep. Koon

This bill revises the definition of child used in the Juvenile Justice Code to include persons under eighteen years of age in the case of status offenses. The bill revises procedures for taking juveniles into custody, so as to apply these procedures to juveniles being taken into custody for status offenses. The bill revises provisions relating to suspension and revocation of a driver's license as part of the family court's dispositional authority in adjudicating juveniles, so as to, in the case of status offenses, apply this authority to cases involving juveniles up to age eighteen rather than up to age seventeen.

**H.3215 FAILURE TO STOP A MOTOR VEHICLE WHEN SIGNED BY LAW
ENFORCEMENT** **Rep. Leach**

This bill revises provisions relating to the failure to stop a motor vehicle when signaled by law enforcement, so as to revise and provide for increased penalties. The bill eliminates the ability to expunge a conviction for a first offense and makes a conforming change. The bill also revises provisions relating to the issuance of a special restricted driver's license, so as to correct a reference.

**H.3217 LISTING OF ALL CONTRIBUTIONS REQUIRED ON CERTIFIED
CAMPAIGN REPORTS** **Rep. Lourie**

This bill makes revisions so as to require that all contributions, rather than those of one hundred dollars or more, be shown in a certified campaign report filed fifteen days before an election.

H.3219 "COMPREHENSIVE CRIMINAL PROCEDURES AND DEATH PENALTY REFORM ACT OF 2003" Rep. Leach

This bill enacts the "Comprehensive Criminal Procedures and Death Penalty Reform Act of 2003" which includes provisions to equalize the number of peremptory challenges allowed to defendants and the state in criminal cases. The bill revises provisions relating to the punishment for murder, so as to include as separate aggravating circumstances, which may be considered in the determination of whether the death penalty should be imposed, a murder committed in violation of a valid order of protection or valid restraining order and a murder committed against a household member when the defendant had at least one prior conviction for committing certain listed offenses against the household member victim.

H.3223 REQUIRED NOTICES FOR APPLICATIONS FOR BEER OR WINE SALES PERMITS TO BE PUBLISHED IN NEWSPAPER OF GREATEST CIRCULATION Rep. Lourie

This bill provides that required notices for applications for beer or wine sales permits must be published in the newspaper of greatest circulation in the area where the establishment is to be located.

H.3224 DEPARTMENT OF PUBLIC SAFETY MATTERS Rep. G. M. Smith

The bill increases several fines pertaining to driving violations and provides in each instance that one hundred dollars of each fine imposed be placed by the Comptroller General into a special account to be used by the Department of Public Safety for Highway Patrol salary increases, to hire additional Highway Patrolmen, and to purchase video cameras to be placed in Highway Patrol vehicles. The bill also makes revisions regarding the filing fee for requesting an administrative hearing to challenge certain driver's license suspensions, so as to provide that this fee applies to any administrative hearing before the Department of Public Safety, and to increase the fee from fifty to one hundred dollars. The bill makes revisions regarding a person's right to compulsory process when charged with the offense of, or an offense related to, driving under the influence of alcohol or another substance, so as to eliminate the provision that allows a person charged with an offense to complete a hearing request form and give it to the arresting officer who shall forward it to the Department of Public Safety. The bill revises provisions relating to the suspension of a person's driver's license who refuses to submit to a test to determine his alcohol concentration or who has a certain alcohol concentration, so as to eliminate the provision that requires a person to enroll in an alcohol and drug safety action program before he may request an administrative hearing.

H.3225 COMPULSORY CHEMICAL TESTS FOR INDIVIDUALS INVOLVED IN SERIOUS AUTOMOBILE ACCIDENTS Rep. Rice

This bill provides that when a motor vehicle accident results in the death or serious bodily injury of a pedestrian or a person who is a passenger in, or the operator of, a motor vehicle involved in an accident, a chemical test must be administered on all motor vehicle operators involved in the accident and upon any decedent who was not a motor vehicle operator under certain circumstances.

H.3226 "CRIMINAL STREET GANG PREVENTION ACT" Rep. Harrison

This bill makes revisions to offenses that promote civil disorder, so as to enact the "Criminal Street Gang Prevention Act." The legislation makes explicit its aim to eradicate the terror created by criminal street gangs and their members by providing enhanced penalties and by eliminating the patterns, profits, proceeds, instrumentalities, and property facilitating criminal street gang activity, including criminal street gang recruitment.

H.3228 DEPARTMENT OF PUBLIC SAFETY MATTERS Rep. G. M. Smith

The bill increases certain fines pertaining to driving under the influence offenses and provides in each instance that one hundred dollars of each fine imposed be placed by the Comptroller General into a special account to be used by the Department of Public Safety for Highway Patrol salary increases, to hire additional Highway Patrolmen, and to purchase video cameras to be placed in Highway Patrol vehicles. The bill also makes revisions regarding the filing fee for requesting an administrative hearing to challenge certain driver's license suspensions, so as to provide that this fee applies to any administrative hearing before the Department of Public Safety, and to increase the fee from fifty to one hundred dollars. The bill makes revisions regarding a person's right to compulsory process when charged with the offense of, or an offense related to, driving under the influence of alcohol or another substance, so as to eliminate the provision that allows a person charged with an offense to complete a hearing request form and give it to the arresting officer who shall forward it to the Department of Public Safety. The bill revises provisions relating to the suspension of a person's driver's license who refuses to submit to a test to determine his alcohol concentration or who has a certain alcohol concentration, so as to eliminate the provision that requires a person to enroll in an alcohol and drug safety action program before he may request an administrative hearing.

**H.3229 DISPLAY OF TEN COMMANDMENTS AND OTHER DOCUMENTS
AUTHORIZED ON STATE PROPERTY Rep. Coates**

This bill authorizes an object containing the words of the Ten Commandments to be displayed on real property owned by the state along with other documents of historical significance that have formed and influenced the United States legal or governmental system.

H.3230 "SOUTH CAROLINA EXILE ACT OF 2003" Rep. G. M. Smith

This bill enacts the "South Carolina Exile Act of 2003" which provides for various revisions to offenses involving weapons. The bill revises relating to penalties for offenses involving weapons, so as to provide increased penalties for an offender with a previous conviction for a violent crime. The bill revises provisions relating to penalties for possession of a firearm or knife during commission of a violent crime, so as to provide a separate offense for the possession of a firearm during an offense involving a controlled substance and to provide a separate, mandatory minimum term of imprisonment upon conviction. The bill revises the definition of the term "crime of violence" contained in certain provisions relating to offenses involving weapons.

**H.3231 ALCOHOL CONCENTRATION FOR OFFENSE OF DRIVING UNDER
THE INFLUENCE** Rep. Gilham

This bill makes revisions regarding the alcohol concentration registered in a bodily test that is required for an offense of driving under the influence.

H.3232 REVISIONS TO THE FAMILY PRIVACY PROTECTION ACT OF 2002
Rep. Kirsh

This bill revises the definition of "commercial solicitation" used in the Family Privacy Protection Act of 2002. This bill revises the prohibition of knowingly obtaining or using personal information obtained from a public body for commercial solicitation directed to a person in this state, so as to substitute "state agency" for "public body". The bill provides that the prohibition does not apply to a local governmental entity of a subdivision of this state or local government.

**H.3234 MEMBERS OF GENERAL ASSEMBLY AUTHORIZED TO REMAIN IN
LEGISLATIVE OFFICE UNTIL ELECTED TO JUDICIAL OFFICE**
Rep. Leach

This bill revises procedures for election of judges, so as to eliminate the provisions prohibiting a member of the General Assembly from being elected to a judicial office for one year after serving as a member and for one year after failing to file for office, thereby allowing a member to serve until the election.

H.3235 SOUTH CAROLINA ADMINISTRATIVE LAW COURT Rep. Harrison
This bill changes the name of the Administrative Law Judge Division to the "South Carolina Administrative Law Court." The bill revises provisions relating to the application of the code of judicial conduct to administrative law judges, so as to clarify that the Commission on Judicial Conduct is responsible for enforcing and administering the Code of Judicial Conduct with respect to administrative law judges. The bill revises provisions relating to hearings and proceedings before the Administrative Law Court so as to provide that all requests for a hearing before the court must be filed in accordance with the court's rules of procedure.

LABOR, COMMERCE AND INDUSTRY

**H.3003 HEALTH INSURANCE COVERAGE FOR OUT-OF-STATE CARE AND
SIDE EFFECTS OF PROSTATE SURGERY** Rep. J. Brown

This bill requires all health insurance plans in the state to pay for medical services and treatment rendered by an out-of-state hospital at the same level paid to an in-state hospital if the insured was referred to the out-of-state hospital by a physician and the out-of-state hospital is the closest hospital in proximity to the place of residence of the insured. The bill also requires all health insurance plans in the state to provide coverage for side effects that are commonly associated with radical retropubic prostatectomy surgery.

H.3007 *PHYSICIAN CHOICE UNDER HEALTH INSURANCE CONTRACTS*

Rep. J. Brown

This bill provides that a health insurance contract may not exclude the right of assignment of benefits to a provider at the same benefit rate as paid to a contract provider.

H.3012 *TELEPHONE SOLICITATION "NO-CALL LIST"* Rep. Altman

This bill provides for the establishment of a "No-Call List" database by the Public Service Commission to provide for the protection of telephone customers in this state from unwanted telephone solicitation. The bill provides for the way in which residential subscribers who object to receiving telephone solicitations may add their telephone numbers to the list and for the way in which the list is to be maintained. The legislation establishes penalties for telephone solicitations that violate the privacy provisions.

H.3013 *"TELEPHONE SOLICITATION LIST ACT"* Rep. Davenport

This bill enacts the "Telephone Solicitation List Act", to provide for the compilation and maintenance by the Public Service Commission of a list of telephone customers who do not object to being solicited by telephone. The bill requires telephone solicitors to acquire the list for a fee and prohibits them from soliciting customers who are not on the list by telephone. The bill prohibits calls from telephone solicitors after six o'clock p.m. and before nine o'clock a.m. Penalties are provided for violations.

H.3024 *ACCESS TO NONPARTICIPATING PROVIDERS UNDER HEALTH INSURANCE CONTRACTS* Rep. J. Brown

This bill provides that no health insurance policy or contract may exclude the right of assignment of benefits to a nonparticipating provider at the same benefit rate as paid to a participating provider.

H.3040 *TELEPHONE SOLICITATION "NO-CALL LIST"* Rep. Sheheen

This bill provides for the establishment of a "No-Call List" database to provide for the protection of telephone customers in this state from unwanted telephone solicitation. The bill provides for the way in which residential subscribers who object to receiving telephone solicitations may add their telephone numbers to the list and for the way in which the list is to be maintained. The legislation establishes penalties for telephone solicitations that violate the privacy provisions.

H.3046 *"SOUTH CAROLINA RIDER SAFETY ACT"* Rep. Scarborough

This bill enacts the South Carolina Rider Safety Act requiring riders of amusement and carnival devices to comply with certain safety requirements, to report injuries in a timely manner, to require owners of such devices to post signs relating to rider safety, and to establish a misdemeanor for violations of these provisions.

H.3064 *COUNTYWIDE TOLL FREE TELEPHONE CALLS* Rep. Kirsh

This bill provides that the Public Service Commission require countywide toll-free calling to be provided by all telephone utilities operating within a county by July 1, 2003.

H.3070 EMERGENCY CAR PHONES Rep. Snow

This bill provides that telephone utilities shall offer customers for a rental fee not to exceed ten dollars a month as set by the Public Service Commission the option of renting a car phone which only has the capability of dialing '911' or another comparable emergency phone number in cases of emergency.

H.3080 UNAUTHORIZED CHANGE OF CUSTOMER'S UTILITY SERVICE PROVIDER PROHIBITED Rep. Easterday

This bill prohibits the unauthorized change of a customer's utility service provider. The bill requires that authorization be obtained according to appropriate state and federal regulations. The bill specifies that the authorization follows the customer. Penalties are established for violations.

H.3097 EMPLOYEE LEAVE FOR SCHOOL OR DAYCARE ACTIVITIES Rep. J. Brown

This bill requires, with certain limitations, that an employer grant leave up to twelve hours a year to an employee to attend school or daycare conferences or activities. Verification of attendance is required. The bill provides that the employer is not required to pay the employee for the time taken.

H.3109 PREDATORY LENDING Rep. Kirsh

This bill prohibits certain lending practices commonly referred to as predatory lending. The bill establishes consumer relief provisions for individuals adversely affected by unconscionable lending practices.

H.3110 COUNTYWIDE TOLL FREE TELEPHONE CALLS FOR YORK COUNTY Rep. Kirsh

This bill requires countywide toll-free calling to be provided by all telephone utilities operating within York County by July 1, 2003.

H.3112 ISSUANCE OF A CERTIFICATE OF OCCUPANCY PROHIBITED WHERE MECHANIC'S LIEN EXISTS Rep. Davenport

This bill prohibits the issuance of a certificate of occupancy by a public body for an improvement to real estate against which a valid, recorded mechanic's lien exists.

H.3114 REVISIONS TO THE UNIFORM SECURITIES ACT Rep. Kirsh

This bill provides for various revisions to the Uniform Securities Act.

H.3119 "DO NOT CALL REGISTRY" Rep. Snow

This bill provides for the "Do Not Call Registry" authorizing the Department of Consumer Affairs to establish a database of residential telephone subscribers who object to receiving certain telephone solicitations. The legislation provides for fees and other matter relating to the maintenance of the database. The legislation provides penalties for telephone solicitors who violate the new provisions.

H.3125 "SOUTH CAROLINA HIGH-COST AND CONSUMER HOME LOANS ACT" Rep. Stille

This bill prohibits certain lending practices commonly referred to as predatory lending. The bill establishes consumer relief provisions for individuals adversely affected by unconscionable lending practices.

H.3135 MOTOR VEHICLE REPAIRS Rep. Altman

This bill requires a motor vehicle repair facility to provide a customer a written estimate. Consent is required from the customer before service or repair begins. The bill prohibits a motor vehicle repair facility from exceeding its approved estimate. The bill requires display of these regulations in the facility. The bill requires notice of use of "after market" or used parts and gives customers the right to inspect and retain replaced parts. Remedies and penalties are provided for failure to comply with these provisions. The bill revises provisions relating to liens for charges for repairs and storage, so as to require notice by certified mail return receipt requested and to exclude unauthorized charges.

H.3140 UNWANTED COMMERCIAL ELECTRONIC MAIL SOLICITATION Rep. J. E. Smith

This bill provides for the establishment and protection of privacy in this state from unwanted commercial electronic mail solicitation, including provisions for a database constituting a "No E-Mail List." The bill establishes an enforcement mechanism for privacy measures including a provision for the crime of criminal trespass in connection with unsolicited commercial electronic mail.

H.3141 SOUTH CAROLINA FAIR CREDIT REPORTING ACT Rep. J. E. Smith

This bill enacts the South Carolina Fair Credit Reporting Act, to provide that unfair methods of reporting credit history and unfair or deceptive acts in the conduct of credit reporting are unlawful. The bill provides penalties for willful and negligent noncompliance with the act. The bill provides for the jurisdiction of the state courts to hear actions brought pursuant to the act, and provides, with exceptions, a two-year statute of limitations to seek relief under the act.

H.3149 "SOUTH CAROLINA JOB PREPARATION AND RETENTION TRAINING ACT" Rep. J. Brown

This bill enact the "South Carolina Job Preparation and Retention Training Act" which establishes procedures for providing skills and other training to individuals who are welfare recipients in preparation for making transitions to employment.

H.3252 PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS AUTHORIZED TO DENY/SUSPEND LICENSES FOR DEFAULT ON STUDENT LOANS Rep. Kirsh

This bill authorizes professional and occupational licensing boards to deny licensure or suspend the license of an individual for nonpayment or default or breach of a repayment or service obligation under any federal or state educational loan, loan repayment, or service-conditional scholarship program.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3009 FIRE AND SAFETY INSPECTIONS Rep. Davenport

This bill allows a building inspector in the jurisdiction in which a public building is located to conduct a fire and safety inspection for the building and submit his report to the State Fire Marshall.

H.3029 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) Rep. Altman

This bill requires an entity that acquires an AED to notify the local emergency medical services provider of the location of the AED. The bill also provides that the required training for use of the AED may be a course approved by the Department of Health and Environmental Control.

H.3035 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) Rep. Altman

This bill provides that a course approved by the Department of Health and Environmental Control may be used towards satisfying the training requirements for persons designated as AED users.

H.3057 ADMINISTRATION OF FEEDING AND HYDRATION SERVICES TO NURSING HOME RESIDENTS Rep. Kirsh

This bill authorizes a "patient assistant" (defined as an employee of a nursing home who does not meet nurse's aide training as defined in federal law) to provide feeding and hydration services to patients in nursing homes under onsite supervision of a licensed healthcare professional, if the assistant has successfully completed a prescribed training program and competency evaluation conducted by the nursing home.

H.3058 DISPENSING OF DRUGS Rep. Kirsh

This bill provides that a drug dispensed by filling or refilling a written or oral prescription shall include an expiration date on the label.

H.3089 LIABILITY INSURANCE FOR BEAUTY SCHOOLS AND BEAUTY SALONS Rep. J. Brown

This bill requires that, in order to obtain and renew a license, beauty schools and salons must submit proof of liability insurance of at least one hundred thousand dollars.

H.3094 S.C. DIETETICS PRACTICE ACT Rep. Altman

This bill provides for licensing and regulation of the practice of dietetics. The primary function of dietetics is the provision of nutrition care services.

H.3104 S.C. NURTURING RESPONSIBLE FAMILIES INITIATIVE ACT Rep. Cobb-Hunter

This bill creates the South Carolina Nurturing Responsible Families Initiative, which is established to develop policies and procedures to reduce dependency on

government benefits, to ensure that children from low-income families benefit from the involvement of two parents, and to facilitate the involvement of fathers in their children's lives. The bill provides for the Initiative to: develop a statewide strategy on low-income fathers; facilitate programmatic support for services that assist low-income fathers to develop or maintain relationships with their children and to ensure statewide access to these services; and identify areas where systemic changes are necessary to remove barriers or obstacles to father involvement.

H.3148 ASSISTANCE IN MANAGING PROBLEMS OF ADOLESCENTS AND OF AGING PARENTS Rep. Davenport

This joint resolution creates a task force to identify programs and resources available to families for managing behavioral, mental, and emotional problems of adolescents and aging parents. The task force is charged to submit a report or recommendations to the Governor and the General Assembly before January 1, 2004, at which time the task force is abolished.

H.3154 DIABETES MELLITUS SCHOOL CARE ACT Rep. J. Brown

This bill enacts the Diabetes Mellitus School Care Act, which requires each public school district to provide or contract for prescribed training to at least two school employees who must be designated as a diabetes care provider by the principal at each public school that does not employ a full-time registered nurse. The bill requires public schools to develop a written protocol for students' diabetes emergencies when neither a nurse or care provider is available. The bill delineates functions which may be performed by diabetes care providers after the consent of a parent of the affected child is obtained. The bill authorizes and provides for (upon the written request of the child's parent or guardian and authorization by the child's physician) the child's performance of specified procedures to manage his or her diabetes while attending school, and the bill provides that a student's school choice may not be restricted because of the student having diabetes. The bill provides that a diabetes care provider acting in accordance with the provisions of the bill is immune from civil and criminal liability and is not practicing nursing and is exempt from any provisions restricting what activities may be delegated to a person who is not a licensed medical professional.

H.3160 CONTINUING EDUCATION REQUIREMENTS FOR COSMETOLOGISTS Rep. Kirsh

This bill exempts from continuing education requirements a person who has held a cosmetologist's license for at least fifteen consecutive years and is age sixty or older or has held continuous licensure for at least thirty years, is fifty years old, and who has not been disciplined by the Cosmetology Board. The bill also provides for a person to obtain continuing education credit by attendance at trade show cosmetology-related instructional programs.

H.3184 COSMETOLOGY LICENSE Rep. Moody-Lawrence

This bill provides that the State Board of Cosmetology may issue, without reexamination, a license limited to the scope of practice authorized under the individual's former license to an individual whose license has lapsed if the person is

over sixty years old and has practiced under a valid license for more than thirty years.

H.3189 *KNOWINGLY EXPOSING OTHERS TO HEPATITIS*

***C VIRUS* Rep. Davenport**

This bill provides that it is unlawful for a person who knows that he is infected with Hepatitis C virus to engage in specified actions which would expose others to the virus without their knowledge. The bill provides that violation of this provision is a felony punishable by a fine of not more than five thousand dollars or imprisonment for not more than ten years.

H.3191 *"ACCESS TO MEDICAL TREATMENT ACT"* Rep. Barfield

This bill provides that, under prescribed circumstances, an individual may be treated by a physician for any life-threatening or chronically disabling illness or disease, with alternative, complementary, experimental, or nonconventional medical treatment that the individual desires or the legal representative of the individual authorizes.

H.3201 *KNOWINGLY EXPOSING OTHERS TO HEPATITIS*

***C VIRUS* Rep. W.D. Smith**

This bill provides that it is unlawful for a person who knows that he is infected with Hepatitis C virus to engage in specified actions which would expose others to the virus without their knowledge. The bill provides that violation of this provision is a felony punishable by a fine of not more than five thousand dollars or imprisonment for not more than ten years.

H.3220 *VOLUNTEER LONG-TERM CARE ADVOCATE PROGRAM* Rep. Lourie

This bill creates and provides for the Volunteer Long-Term Care Advocate Program, to be established under the Long-Term Care Ombudsman Program at the Department of Health and Human Services. The purpose of the program is to augment the services provided by the Ombudsman Program by assisting the program in providing a higher level of service to long-term care residents and by maintaining a higher degree of presence in long-term care facilities. Under the volunteer program, volunteer advocates may, among other things, make regular visits to long-term care facilities; intervene informally to address concerns of long-term care residents and families; and provide information to and assistance in gathering information for regional ombudsmen.

H.3221 *LONG-TERM CARE OMBUDSMAN PROGRAM* Rep. Lourie

This bill requires the Long-Term Care Ombudsman Program annually to publish a report of all complaints received on long-term care facilities by number and category of complaints received on each facility. The bill further requires that the report be available on the Department of Health and Human Services' web site. Identifying information may not be included in the report.

H.3222 NURSING HOME AND COMMUNITY RESIDENTIAL CARE
FACILITY INSPECTION REPORTS Rep. Lourie

This bill requires nursing homes and community residential care facilities to maintain at the facility for two years a copy of each inspection report prepared by the Department of Health and Environmental Control. The bill further requires the facility to provide copies of the report within forty-eight hours of request and requires the facility to post a sign stating the right to obtain a copy of these reports. The facility is authorized to charge a fee for these copies of up to ten dollars.

H.3250 SURVEILLANCE CAMERAS IN NURSING HOMES Rep. Lourie

This joint resolution directs the Department of Health and Human Services, the Department of Health and Environmental Control, and the Medicaid Fraud Unit of the Attorney General's Office to convene a task force to study the effectiveness of placing surveillance cameras in nursing homes. The task force, which would be paid no mileage, *per diem*, or subsistence, is to report findings and recommendations to the General Assembly before January 1, 2004.

WAYS AND MEANS

H.3002 PROPERTY TAX EXEMPTIONS Rep. Cobb-Hunter

This bill provides an exemption from *ad valorem* taxation for a mobile home which is occupied as his legal residence by its owner who is age sixty-two years or older.

H.3006 ESTABLISHMENT OF INLAND INTERMODAL
PORT Rep. Cobb-Hunter

This bill directs the Department of Commerce to study the viability of establishing an inland intermodal port in the vicinity of the intersection of Interstate Highways 95 and 26 and to submit a written report of its findings and recommendations to the General Assembly on January 13, 2004.

H.3011 CIGARETTE TAX Rep. J.E. Smith

This bill imposes and provides for a surtax on cigarettes in an amount equal to 2.2 cents on each cigarette, effective July 1, 2003. The bill further provides that revenue from the surtax must be credited to the Medicaid Expansion Fund.

H.3014 MORE TOILETS FOR WOMEN Rep. J. Brown

This bill provides that after June 30, 2003, all buildings constructed by the State or for occupancy by an agency, department or entity of the State shall have twice as many toilets for women as for men.

H.3017 EDUCATION FUNDING FORMULA STUDY Rep. Cobb-Hunter

This bill provides that the Education Finance Review Committee (currently established under the Education Finance Act) shall study the funding formulas for public education in South Carolina to determine if they are adequate and equitable and the issue of unfunded mandates caused by new educational initiatives. The

Committee is required to report its findings to the General Assembly by January 15, 2004.

H.3021 ESTABLISHMENT OF SPEAKER EMERITUS POSITION Rep. Altman

This bill establishes and provides for the honorary position of "Speaker Emeritus", a position to be held by a person who served as Speaker, after his service in the House.

H.3027 APPROPRIATIONS FOR CERTAIN RECURRING PROGRAMS Rep. Davenport

This bill requires a statement of objectives and annual measures of progress for attaining these objectives for new recurring programs in the general appropriations bill and for increased appropriations for existing recurring programs above the rate of inflation. The bill requires that if specified progress is not attained, the appropriation, or amount of the appropriation above the inflation rate, may not be included in the next four succeeding appropriation acts. The bill also establishes and provides for a joint standing committee to approve the statements.

H.3028 ADJUSTMENT OF CORPORATE INCOME TAX RATE Rep. Davenport

This bill provides for graduated corporate income tax rates ranging from one and one-half percent to five percent (the current rate).

H.3030 CARRYBACK FOR NET OPERATING LOSS Rep. Davenport

This bill amends the South Carolina Income Tax Act by deleting the provision stating that sections of the Internal Revenue Code relating to net operating loss carrybacks are not adopted for purposes of the South Carolina Income Tax Act. The bill also amends current provisions so as to provide that the carryback of a net operating loss deduction for federal income tax purposes also is allowed for state income tax purposes and to provide that the federal election to carry back a net operating loss is not binding for South Carolina income tax purposes.

H.3033 STATE EMPLOYEE ABSENCES FROM WORK Rep. Cobb-Hunter

This bill provides that an absence from work by a state employee in conformity with a workplace closing or reduced staffing ordered by the Governor in the declaration of a state of emergency is not considered an absence from work for purposes of annual or other types of leave allowed state employees.

H.3045 ESTABLISHMENT OF MOBILITY DEVELOPMENT AUTHORITY Rep. Scott

This bill establishes and provides for the Mobility Development Authority (the Authority), within the State Budget and Control Board, to develop and coordinate a state general mass transportation program and policy in order to encourage the efficient development, implementation, operation, evaluation, and monitoring of public and private mass transit systems. The bill deletes the current Mass Transit Division of the Department of Transportation and repeals the Regional Transportation Authorities as provided in the S.C. Code of Laws. Powers, duties, funding, and responsibilities of the Mass Transit Division, the Regional Transportation Authorities, and the Interagency Council on Public Transportation,

and public transportation duties, responsibilities, and funding of specified State agencies, are devolved upon the Authority.

H.3051 DEDUCTIONS FROM S.C. TAXABLE INCOME Rep. Jennings

This bill allows the deduction from State taxable individual income of benefits paid to survivors of a deceased member of the South Carolina Police Officers Retirement System pursuant to the Accidental Death Benefit Program.

H.3053 INDIVIDUAL INCOME TAX RATES Rep. Davenport

This bill reduces marginal individual income tax rates by one percent for a range of one and one-half percent to six percent rather than the current range of two and one-half percent to seven percent. The bill also conforms brackets to the applicable inflation-adjusted amounts.

H.3065 OVERDUE TAX DEBT COLLECTION ACT Rep. Kirsh

This bill enacts the Overdue Tax Debt Collection Act, intended to ship the cost of collecting overdue tax debts to the delinquent taxpayers who owe overdue tax debts. The bill authorizes the Department of Revenue (DOR) to impose a collection assistance fee on certain overdue tax debts equal to twenty percent of the overdue amount. The bill allows DOR to retain a portion of the collection assistance fee for its operation.

H.3066 REDUCTION OF SALES TAX ON FOOD Rep. Kirsh

Beginning July 1, 2003, this bill reduces at the rate of one percent per year, the five percent state sales tax on food items which may be purchased with U.S. Department of Agriculture food coupons. The exemption would be complete effective July 1, 2007. The bill further provides that eighty percent of the revenues from taxes raised by the special rates must be credited to the general fund and the remainder must be credited to the Education Improvement Act Fund.

H.3067 SALES TAX ON FOOD Rep. Kirsh

This bill exempts food items eligible for purchase with U.S. Department of Agriculture food coupons from the local option sales tax, the capital project sales tax, the personal property tax exemption sales tax, and the transportation infrastructure sales tax. The bill provides that this exemption applies prospectively.

H.3073 FUNDS FOR WORLD WAR II MEMORIAL Rep. Altman

This bill appropriates \$200,000 from the General Fund toward the construction of the National World War II Memorial in Washington.

H.3079 PROPERTY TAXES ON WATERCRAFT AND MOTOR Rep. Cooper

Current law requires that personal property taxes on a watercraft and outboard motor must be current before the title to these items may be transferred. This bill provides that this prohibition on the transfer of title applies only for property taxes due for property tax years beginning after 1999. The bill provides that used watercraft and used outboard motors obtained from a licensed dealer on or after October 3, 2000, are free of the lien for the payment of property taxes for property tax years before 2000. The bill provides that no refunds of property taxes on

watercraft and outboard motors are payable for property tax years before 2001. The bill repeals an act of 2002 relating to property taxes on watercraft and motors applicable only for Lexington County with similar provisions.

H.3081 SALES AND USE TAX EXEMPTION Rep. Easterday

This bill provides for a sales and use tax exemption for the purchase price paid by the lessee of a consumer automobile when the automobile is purchased under specified circumstances.

H.3088 PARTICIPATION IN STATE HEALTH AND DENTAL INSURANCE PLANS Rep. J.E. Smith

This bill provides that County First Steps Partnerships are eligible to participate in the State health and dental insurance plans.

H.3090 DISPOSAL OF STATE VEHICLES Rep. Cobb-Hunter

This bill provides that before a state fleet sedan or station wagon is disposed of, the vehicle must be offered for purchase to heads of household receiving certain public assistance. The purpose of this provision is to assist these families in becoming self-sufficient.

H.3096 EMPLOYMENT SECURITY CONTRIBUTIONS Rep. G.M. Smith

This bill provides that an employer's requirement to pay contributions for employment security purposes terminates upon the employer's accumulation of a reserve balance equal to ten years of projected benefits.

H.3098 MEDICAID REIMBURSEMENT RATES Rep. J. Brown

This bill requires the Department of Health and Human Services to review Medicaid reimbursement rates annually and adjust these rates to at least ninety percent of the Medicare provider reimbursement rate for like care, services, or treatment.

H.3101 TAX ON SALE OR LEASE OF MOTOR VEHICLES AND MOTORCYCLES Rep. Scott

This bill removes the current tax cap on the sale or lease of motor vehicles, motorcycles, and boats, and certain aircraft, trailers or semitrailers, recreational vehicles, and construction equipment. The bill requires the Department of Revenue annually to cumulatively adjust the three hundred dollar maximum tax in the manner that brackets are adjusted in Internal Revenue Code Section (1)(f). (Internal Revenue Code Section (1)(f) adjusts tax tables so that inflation will not result in tax increases.)

H.3121 FUNDS FOR COUNTY VETERANS AFFAIRS OFFICES Rep. J. Brown

This bill provides that the General Assembly shall appropriate funds directly to the county veterans affairs offices. Currently, these funds flow through the State Veterans Affairs Office.

H.3143 POSTPONEMENT OF FUNDING FOR LAND BANK Rep. Witherspoon

This bill provides that transfers of a portion of the state deed recording fee to the South Carolina Conservation Bank Trust Fund do not begin until July 1, 2005. The beginning date as currently provided is July 1, 2004.

H.3152 SALES AND USE TAX EXEMPTIONS Rep. J. Brown

This bill provides an exemption from sales and use tax for prescription eyeglass lenses and raw materials used in the fabrication of such lenses. The bill clarifies that this exemption does not extend to eyeglass frames.

H.3153 SALES AND USE TAX EXEMPTIONS Rep. J. Brown

This bill provides an exemption from sales and use tax for prescription orthotic devices and for replacement parts for both prescription orthotic and prosthetic devices. Current law allows an exemption for prosthetic devices but does not exempt replacement parts for these devices.

**H.3155 PROPOSED CONSTITUTIONAL AMENDMENT REGARDING
STATE TAX INCREASES AND STATE SPENDING Rep. Davenport**

This joint resolution proposes an amendment to the State Constitution providing that: no State tax may be increased or new State tax imposed except by referendum; spending increases by State government are limited to the rate of increase of the consumer price index except under specified circumstances; the Governor is authorized to declare a fiscal emergency which would suspend the limitations imposed in the resolution for the duration of the emergency and the limitations would be reimposed after the emergency; the General Assembly shall provide by law for implementing these limitations.

**H.3164 PUBLIC OFFICIALS/EMPLOYEES CONVICTED OF CERTAIN
OFFENSES INVOLVING PUBLIC FUNDS OR PROPERTY Rep. Kirsh**

This bill authorizes and provides procedures for the State Budget and Control Board to investigate and determine if a current or previously employed public official or employee who has been convicted of certain offenses involving public funds has used any of the funds to establish service credit in the State Retirement System. The bill provides for cancellation of retirement benefits if contribution of embezzled funds allowed the defendant to retire and to begin receiving retirement benefits, and provides retroactive and prospective remedies to recover restitution due to state and local governmental entities in such cases.

H.3173 CIGARETTE TAX Rep. Lourie

This bill imposes an additional 2.9 cents tax on each cigarette subject to the license tax on cigarettes. The revenue from this additional tax would be credited to the Medicaid Match Fund, which is created in the bill, and used as the state match for federal Medicaid funding.

**H.3175 REDUCTION OF AND PROVISIONS FOR EXPENDITURE
OF FUNDS FROM THIS FISCAL YEAR** Rep. J.E. Smith

This is a "skeleton" bill which amends the 2002-2003 General Appropriations Act by reducing and further providing for the manner in which revenues and expenditures shall be imposed or expended for this fiscal year.

H.3185 SUPPLIES REIMBURSEMENT TO TEACHERS Rep. Talley

This bill provides that, beginning with school year 2003-2004, the Department of Education shall reimburse \$350,000 from Education Improvement Act funds to a school district for each certified classroom teacher employed as of August 30 of that year. The bill provides that the funds must be used to offset expenses incurred in the purchase of teaching supplies and materials directly related to the students' education, and must not supplant existing supply money.

H.3188 UNBORN CHILDREN MONUMENT COMMISSION Rep. Davenport

This joint resolution creates and provides for the South Carolina Unborn Children Monument Commission, charged to direct that a privately funded monument of specified proportions be erected in a prominent place on the State House grounds as a memorial to unborn children from legal abortions in South Carolina.

**H.3195 LIMITING APPROPRIATIONS IN THE GENERAL
APPROPRIATIONS ACT** Rep. Govan

This bill provides that general appropriations in the annual general appropriations act may not exceed the base revenue estimate. The bill also provides for calculation and adjustment of the base revenue estimate.

**H.3200 INCOME TAX CREDITS FOR CONTRIBUTIONS TO
CERTAIN SCHOOLS / SOUTH CAROLINA
EDUCATIONAL CHOICE ACT OF 2003** Rep. Haskins

This bill provides a specified state income tax credit for contributions to a "qualified school," defined in the bill as a nongovernmental or governmental school located in this State, for handicapped students or other students, consisting of at least thirty students at the preschool, elementary, secondary, college, or university level. The bill also provides that qualified schools: may not discriminate on the basis of race, color, handicap, or national origin; must satisfy the legal requirements for such school; and must have existed as a school for at least three years. The bill also provides a specified credit against state income tax liability for contributions to a public school located in this State for the support of extracurricular activities or character education programs of the public school.

The bill also establishes and provides for a school educational choice program, created to enable a pupil enrolled in a school or school district rated as "below average" or "unsatisfactory" in its absolute grade to attend another school in his district or in a district in which the student does not reside, subject to certain restrictions included in the bill.

**H.3203 PURCHASE OF RETIREMENT SERVICE FOR CERTAIN
TERMINATED EMPLOYEES Rep. Jennings**

This bill provides that when a state employee has been terminated as a result of an agency reduction in force caused by a mandated reduction in the agency budget, and the terminated employee does not have sufficient creditable service to qualify for service retirement with an immediate annuity, but is eligible to establish service credit sufficient to allow the employee to retire under service retirement with an immediate annuity and the amount of service credit required to be established is three years or less, then the terminated employee is eligible to have his employer make the payment to establish credit for the employee. To be eligible for this contribution, the employee must retire. The bill provides that such employees also qualify for state-paid health and dental insurance.

The bill further provides for state-paid health and dental insurance for state employees terminated due to budget reduction for a year following termination or until they earlier obtain similar coverage.

The bill also provides that a state employee terminated as a result of an agency reduction in force caused by a mandated reduction in the agency budget who is subsequently re-employed in state government within a two-year period shall have his employee benefits calculated as if there had been no break in service. The bill provides that such an employee, when re-employed, also may purchase the retirement service credit for this period of time as an approved leave of absence, and within thirty days of being re-employed, may repurchase from the hiring agency any or all of the leave previously paid to the employee at the same per day rate as the former employee was compensated.

H.3210 JOINT AGENCY ACT Rep. Delleney

This bill authorizes and provides for certain special purpose districts of the State to create joint agencies to provide for the joint exercise of powers, joint administration of functions, and sharing of costs. The stated intent of the bill is to provide to the Gas Authorities of the State a mechanism to work jointly so as to ensure that the natural gas services are provided as efficiently and inexpensively as possible.

**H.3214 PARTICIPATION IN STATE HEALTH AND DENTAL
INSURANCE PLAN Rep. Walker**

This bill adds the Gift of Life Trust Fund to those entities whose employees and retirees are eligible for state health and dental insurance plans.

H.3216 STATE FUNDS FOR CIRCUMCISIONS Rep. Snow

This bill provides that State funds, including matching Medicaid funds, may not be expended to perform a circumcision on a newborn male.

H.3218 S.C. LAW ENFORCEMENT OFFICERS MEMORIAL Rep. Hinson

This joint resolution provides for construction of the South Carolina Law Enforcement Officers Memorial on the grounds of the Capitol complex. This monument was approved in legislation signed by the Governor in 1994. This resolution directs the State Budget and Control Board to proceed to construct the

monument, using certain funds appropriated to or transferred to the Budget and Control Board, and after approval of the State House Committee for the design and location of the monument.

H.3237 BIENNIAL STATE GENERAL APPROPRIATIONS ACT/ZERO-BASE BUDGET PROCESS Rep. Leach

This bill revises the *sine die* adjournment date of the General Assembly so as to provide for a biennial state general appropriations act. The bill also requires that the Governor and the General Assembly use a "zero-base" budget process in the preparation of the biennial state general appropriations act.

H.3238 BIENNIAL STATE GENERAL APPROPRIATIONS ACT/ZERO-BASE BUDGET PROCESS Rep. Jennings

This bill revises the *sine die* adjournment date of the General Assembly so as to provide for a biennial state general appropriations act. The bill also requires that the Governor and the General Assembly use a "zero-base" budget process in the preparation of the biennial state general appropriations act.

H.3239 JOINT BIENNIAL BUDGET STUDY COMMITTEE Rep. Jennings

This joint resolution establishes and provides for a Joint Biennial Budget Study Committee to study South Carolina's annual state budget and appropriations process and to report to the General Assembly by June 30, 2003, recommendations as to the advisability for institution of a biennial state budget and appropriations process. The bill further provides that if the Study Committee identifies benefits to the State for instituting a biennial budget, the Study Committee shall recommend changes in the current budget and appropriation structure of the State for institution of a biennial state budget.

H.3240 SALES TAX EXEMPTIONS Rep. Coates

This bill provides a sales tax exemption for the sale of propane gas for specified purposes. The bill further provides that the sale of natural, propane, liquefied petroleum gas, and electricity to produce in greenhouses agricultural plants that subsequently are replanted is also exempt from the sales tax.

H.3241 SALES TAX ON LOTTERY TICKETS Rep. Coates

This bill provides that the sale of a South Carolina Education Lottery Ticket by a lottery retailer is a sale of "tangible personal property," and the proceeds from such a sale are included within the definition of "gross proceeds of sales" and are, therefore, subject to the state sales tax. The bill provides that tickets for the "Powerball" game would be exempt from this tax, and all lottery tickets are exempt from local sales and use tax. The bill also provides that the lottery ticket price, when any applicable state sales and use tax is added to the sales price, must equal one dollar or increments of one dollar.

H.3248 LOTTERY RETAILERS' COMPENSATION Rep. Coates

This bill increases the compensation provided to lottery retailers from a commission of not less than seven percent of gross proceeds to a commission of not less than ten percent of gross proceeds.

H.3249 SOUTH CAROLINA PUBLIC SERVICE AUTHORITY Rep. Hinson

This bill provides that the payments-in-lieu-of-taxes required of the South Carolina Public Service Authority must equal the property taxes otherwise due on the property using valuation methods and assessment ratios applicable to other utility property and current millage rates in the various property taxing entities. The bill provides that local taxing jurisdictions must use this revenue as if the amounts paid were property taxes. The bill deletes the current requirement that the Public Service Authority make certain annual payments to the counties of Orangeburg, Calhoun, Sumter, Clarendon, Berkeley, Horry, and Georgetown in lieu of taxes on certain land acquired for reservoirs, lakes, canals, structures and adjoining properties of the Santee Cooper Hydroelectric and Navigation Project. The bill increases certain additional payments that the Authority must make to local governments after payment of fees in lieu of taxes.

H.3251 "PUBLIC EMPLOYEES' DEFINED CONTRIBUTION RETIREMENT PLAN" Rep. Stille

This bill creates and provides for the "Public Employees' Defined Contribution Retirement Plan," which eligible individuals who are employed after June 30, 2003, would become members of unless they elect to participate in the current South Carolina Retirement program (which would become the "optional retirement program"). The Public Employees' Defined Contribution Retirement Plan includes more than one employee-directed investment fund appropriate for investment by public employees, and an educational program that explains to employees considering their elections the probable and possible benefits and risks of the various funds.

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